

**TOWN OF CATSKILL**  
**AGENDA**  
**July 19, 2023**

PUBLIC HEARING 6:15 PM – Proposal for expansion of Leeds Jefferson Heights Sewer and Water District to include property located at 27 Brooks Lane, Catskill, NY.

**MINUTES TO BE ACCEPTED:**

June 6, 2023 Town Board Monthly Meeting  
June 21, 2023 Town Board Committee Meeting

**RESOLUTION:**

Res 64-2023 Standard Workday and Reporting Resolution

**CORRESPONDENCE:**

Letter from Cameron O'Connor of Carson Power Renewable Energy looking for suitable land for a community solar project.

Letter from Kiskatom Fire Department regarding 4858 Route 32 and intentional hampering their fire suppression access to the site and Supervisor Finch's response regarding litigation and Judge Mott's order.

Email from Joe Izzo regarding information for the proposed hotel project at the thruway site which can be found on the IDA website.

Email from Dieter Drake regarding the 16<sup>th</sup> Annual Tour of the Catskills cycling ride, Saturday, August 16<sup>th</sup> and request to use the parking area across from the church in Palenville for an aid station as has been done in years past.

Email Rory Cohan, regarding Rivers Electric LLC's license amendment application to the Federal Energy Regulatory Commission for the Mill Pond Hydroelectric Project (FERD No. P-9985). Application available for public FERC [eLibrary](#).

**CONTINUING BUSINESS:**

Update regarding Town Hall building renovations.

**NEW BUSINESS:**

Requests from Town Court:

1. Adopt a resolution in opposition to New York State Senate Bill S-00139B and Assembly Bill A-1358B. The Senate bill was passed and if passed by the Assembly and signed by the Governor, would require Town and Village Justices to be licensed to practice law in the State and have been admitted to the NYS Bar for at least five years.
2. Authorization by resolution for the Court Justices to attend the Annual NYS Magistrates

Conference October 1-4, 2023 Syracuse, NY.

3. Authorization by resolution for the Town Court to apply for a JCAP Grant.

Proposed Town Code Revisions and Planned Development District from the Planning Board and request to schedule public hearing September 5, 2023 on revisions.

Dell Technology quote for CPU's (Webjogger).

Replacement fencing behind Town Hall.

**PUBLIC COMMENT:**

Catskill Town Board Monthly Meeting  
Catskill Town Hall  
June 6, 2023 6:30 PM

PRESENT: Dale Finch, Supervisor  
Jared Giordiano, Councilman  
Patrick McCulloch, Councilman  
Paul Vosburgh, Councilman

Supervisor Finch opened the meeting with the Pledge of Allegiance. He welcomed all in attendance.

MINUTES:

May 2, 2023 Town Board Meeting  
May 17, 2023 Town Board Committee Meeting

Motion: Councilman Giordiano Second: Councilman Vosburgh, carried.

RESOLUTION:

Res 47-2023 Approve Hire Seasonal Cemetery Laborer – motion by Councilman Giordiano second by Councilman McCulloch approving the hire of Donald Naylor as seasonal Cemetery Laborer at a rate of pay \$15.00 per hour not to exceed 16 weeks employment and pending pre-employment screening. Adopted Vote: 4 Yes 1 Absent (Scannapieco)

CORRESPONDENCE:

Letter from NYMIR regarding property losses at public works garages and the installation of master battery disconnect switches to cut power on heavy trucks and equipment when not in use and stored inside buildings.

Copy of letter to Town Board from Ronni McCue thanking the officers and first responders for their caring and expertise when she passed out at the Memorial Day Event at the point.

Notice of public hearing July 25, 2023 at 6:00 Town Board of Germantown regarding proposed local law c of 2023 regulation short term rentals.

Notice of public hearing May 24 at 6:05 pm Town of Catskill Zoning Board regarding area variance application 210 Jefferson Heights.

County Resolutions: Res 187-23 Distribution of Mortgage Tax (Catskill \$125,279.52); Res 169-23 Awarding Fuel Oil Bid to Bottini Fuel Saugerties, NY; Res 174-23 Awarding Bids to purchase Materials for High Dept; Res 175-23 Awarding Bid for Washed and Screened Crushed Stone

Email from Doreen Davis regarding construction debris near stream along route 23A in Palenville.

Request from Robin Smith (Cultivate Catskill) regarding donation for sprayground project. *Supervisor Finch stated we can discuss it at our workshop meeting.*

Email from GC Highway Department regarding the Household Hazardous Waste Collection event June 24<sup>th</sup> . *The times to be there are done by alphabet. The Town is having their cleanup day same day at Cauterskill Rd.*

Letter Marshall and Sterling regarding governmental insurance disclosure statement as required by the NYS Insurance Department, regulation # 87.

Letter from the Councilman Eugene Cook, Town of Huntington urging the NYS Legislature and Governor Hochul to draft and enact legislation regarding a voter's identification process.

#### CONTINUING BUSINESS:

Updated Summer Recreation – *Councilman McCulloch stated three counselors will be CPR/First Aid certified. There are currently five spots available for kids to take part in summer rec.*

#### NEW BUSINESS:

Request for use of Senior Center as Cooling Center from VOC Climate Smart Task Force. *Margaret Tomlinson of the Village of Catskill Climate Task Force spoke to the board about using the Senior Center as a cooling station for the elderly and others in cases of extreme heat using the same hours the center is open. Ideally, she would like to expand the hours but realizes the center is not equipped with staffing for staying open. She is requesting to speak to the Senior Center Director and work something out. Supervisor Finch stated it is best to have the board be the liaison as the decision to move forward with the idea would be the boards. He canvassed the seniors and most are receptive to the idea. We would need a set of guidelines. Councilman Vosburgh stated his concern would be after hour use of the center. Councilman Giordiano mentioned the public library as a second location. Councilman McCulloch would like to speak with Jamie. Supervisor Finch reiterated the need for a written procedure. He stated we can speak again about it at our committee meeting. Ms. Tomlinson will draft a proposal.*

Mobile Home Expansion – Lamont Engineering. *Aaron Jackson approached the board about the mobile home park expansion project for Catskill Pond LLC and if they had any comment on the Planning Board recommendations. They are adding 53 mobile homes on the opposite side of Porto Rd. Mr. Jackson would like the board's opinion before he contacts the DOH with the septic plans etc. Supervisor Finch reviewed the Planning Board comments on the project. He stated there are new regulations in place regarding major subdivisions. Mr. Jackson asked to have the comments forwarded to him. He stated there would be no town roads as they would be private. Supervisor Finch asked about recreation areas. Councilman McCulloch stated the DOH must approve before the board can approve the project.*

Fireworks funding request from VOC. *Supervisor Finch stated the request is to split the cost of the fireworks. Councilman Giordiano stressed we need this sent before we complete our budget. The number increases each year. Supervisor Finch stated we can pass a resolution on the condition we receive the invoice. Resolution # 48-2023 on motion of Councilman Vosburgh second by Councilman McCulloch to spend \$4,450 on fireworks and music for the 4<sup>th</sup> of July Fireworks in the Village of Catskill on condition we receive a vendor invoice. Adopted Vote: 3 Yes 1 No (Giordiano) 1 Absent (Scannapieco)*

**PUBLIC COMMENT:**

An audience member asked for an update on the Hickory Notch cabins. Councilman Vosburgh stated it is in process. Supervisor Finch stated they have been in court on the issue and if the order to remedy is not corrected, we will move forward. It is a work in progress.

**SUPERVISOR COMMENTS:**

Supervisor Finch mentioned the replacement of the camera system at the Senior Center. He has received one quote and is meeting with another business tomorrow. He hopes to act on it at the next meeting.

We have invoiced NYSERDA for the LED conversion/climate smart project.

He is following up with Shawn Beers regarding the replacement of the heating system at the garage. We will need a scope of work for an RFP. Move to propane instead of fuel.

There has been no update on the bridge replacement in Palenville. It is all in one package including Embought Rd. The town is moving forward with the Game Farm Rd culvert replacement.

Supervisor Finch asked if anyone had any comment. With no comment he asked for a motion to enter executive session. Councilman Giordiano motioned to enter executive session to discuss a legal matter with a second by Councilman Vosburgh. The executive session began at 7:19 pm.

On motion of Councilman McCulloch second by Councilman Vosburgh executive session ended 7:35 pm and the meeting continued.

Supervisor Finch asked for a resolution to commence litigation. On motion of Councilman Vosburgh second by Councilman McCulloch authoring the Town Attorney initiate litigation seeking injunctive relief for violations of state code and town code on certain lands in the Town of Catskill.

Motion by Councilman Giordiano second by Councilman Vosburgh to adjourn the meeting. Meeting ended 7:38 pm.

Respectfully submitted,

Elizabeth Izzo  
Town Clerk

Catskill Town Board Committee Meeting  
Catskill Town Hall  
June 21, 2023                      6:30 PM

PRESENT:        Dale Finch,                      Supervisor  
                      Jared Giordiano,              Councilman  
                      Patrick McCulloch,         Councilman  
                      Dawn Scannapieco,         Councilwoman  
                      Paul Vosburgh,               Councilman

Supervisor Finch opened the meeting with the Pledge of Allegiance and welcomed all in attendance.

Senior Center Security System – Supervisor Finch stated monies used would be from the County ARPA funding. Joe Scachetti of Catskill Security Systems spoke about his quote to replace the interior and exterior camera system at the building including a license plate capture camera on the south side of the driveway area, the network video recorder, and the difference between 2, 4, and 8 megapixels. All present agreed to have four inside cameras and eight outside cameras plus the license plate. Mr. Scachetti reviewed the warranties.

*Councilwoman Scannapieco entered the meeting 6:38 pm.*

Supervisor Finch asked about placement of the interior cameras. Councilman Vosburgh asked about a zoom function. Supervisor Finch asked if there were any further questions. He thanked Mr. Scachetti for his presentation.

COOLING CENTER -Senior Center. Margaret Tomlinson presented the board the guidelines for having the Senior Center be a cooling center to help protect community members who are vulnerable to extreme heat. She had spoken with Dan King, the County Legislators, and the Public Library. As the largest issue is staffing, the senior center will operate only during their normal hours. No one under 18 years of age will be at the center. Supervisor Finch stated it is a good idea but does not believe it is a dire need but good to have the opportunity available.

With no further discussion, Supervisor Finch polled the board. Everyone was in favor of allowing the senior center to be a cooling center for Town of Catskill residents. Supervisor Finch thanked Ms. Tomlinson.

SEWER DISTRICT EXPANSION – David Vipler was present to discuss his petition to extend the Leeds Jefferson Heights Sewer and Water District. Councilman Vosburgh stated if the Village of Catskill is ok with it, and Mr. Vipler is paying for it, he was ok with it. Supervisor Finch stated we will schedule a public hearing on the project. Mr. Vipler stated this is for the four townhouses. Councilman McCulloch stated Delaware Engineering will need to review and asked if an escrow account has been set up yet. Supervisor Finch will contact DE. *Resolution # 59-2023 on motion of Supervisor Finch second by Councilman Giordiano to schedule a public hearing on the petition of David Vipler to expand the Jefferson Heights Sewer and Water District to serve a ¼ acre portion of the Catskill Golf Resort property for Wednesday, July 19, 2023 at 6:15 pm. Adopted Vote: 5 Yes*

Supervisor Finch stated there is only one meeting in July as the 4<sup>th</sup> of July holiday falls on the first Tuesday and the building is closed.

## RESOLUTIONS:

Resolution # 50-2023 on motion of Councilman Giordano second by Councilman Vosburgh approving the bi-annual billing for Cementon Sewer in the amount of \$294.44. Adopted Vote: 5 Yes

*Councilman McCulloch stated we need to think of increasing the amount to cover replacement of the maintenance line as there is no o/m. Councilman Vosburgh stated we should pursue a grant. Supervisor Finch will talk to Delaware Engineer.*

Resolution # 51-2023 on motion of Councilman McCulloch second by Councilwoman Scannapieco to approve the new hires of Brianna Stevens, Priscilla Pagan and Danielle Chichester as PT EMT's effective June 26, 2023 pending pre-employment physical and drug screening. Adopted Vote: 5 Yes

Resolution # 52-2023 on motion of Councilman McCulloch second by Councilwoman Scannapieco to change the employment status of Anna Smith from EMT to FT EMT effective July 2, 2023 at the recommendation of George June, Ambulance Administrator. Adopted Vote: 5 Yes

Resolution # 53-2023 on motion of Councilman Vosburgh second by Councilman McCulloch to approve the hiring of Jake Hemrah as FT MEO pending pre-employment screening at a rate of pay of \$22.90 per hour. Adopted Vote: 5 Yes

Resolution # 54-2023 on motion of Councilman Giordano second by Councilwoman Scannapieco to approve the purchase of a Fisher Tempest 300c stainless steel sander for the Highway Department from the low bid Toad's LLC in the amount of \$8,050.00. Adopted Vote: 5 Yes. *Councilman Vosburgh stated the same vendor gave two different quotes. Supervisor Finch stated the one quote was under state contract and we could have just gone with the state contract and not gotten the other quotes. Councilman Vosburgh stated state contract is not always cheapest but it is easiest.*

Resolution # 55-2023 on motion of Councilman Giordano second by Councilman Vosburgh to authorize the Supervisor sign the agreement with Albany Sports Group LLC to have an ambulance and crew for their event on June 24, 2023 between the hours of 6:00 pm and 11:00 pm in the amount of \$750. Adopted Vote: 5 Yes

Resolution # 58-2023 on motion of Councilman Giordano second by Councilman Vosburgh to pledge \$2,500 to the Sprayground Project at Elliot Park using ARPA funds when the project goals have been met. Adopted Vote: 5 Yes

Resolution # 56-2023 on motion of Councilman Vosburgh second by Councilwoman Scannapieco appointing Laurie Schmidt to fill the unexpired term of Brittany Williams on the Planning Board, term ending December 31, 2024. Adopted Vote: 4 Yes 1 No (Giordano)

Resolution # 57-2023 on motion of Councilman Vosburgh second by Councilman McCulloch appointing Shravan Parvathaneni to fill the unexpired term of Mary Beth Lange on the Zoning Board of Appeals, term ending December 31, 2026. Adopted Vote: 5 Yes *Councilwoman Scannapieco stated he is a realtor. Supervisor Finch stated he had a conversation with him and if involved with anyone, he cannot participate in the decision.*

Councilman Vosburgh mentioned the quotes for the camera system at the Senior Center. Supervisor Finch reviewed the quotes received. Catskill Security is \$5,846, DJ Enterprise \$7,076 and Councilman Giordano spoke of the quote from Mid-Hudson as this is a monthly fee as we would not own the equipment so there would be no responsibility or cost for upgrades, obsolete equipment, or repairs. Supervisor Finch stated he feels the system will be good for the next 10 years. Councilman Giordano's philosophy is tech gets outdated so quickly to go with the monthly fee. *Resolution # 60-2023 on motion of Councilman Vosburgh second by Supervisor Finch accepting the quote from Catskill Security Systems LLC for replacement of security cameras at the Senior Center in the amount of \$5,086.00. Adopted Vote: 5 Yes*

Supervisor Finch mentioned DEC will be conducting tests at the Five Mile Woods Rd and Cauterskill Rd old landfill sites.

County ARPA Funding – Supervisor Finch asked for a resolution to spend the balance of the monies from the County's ARPA disbursement on replacement of ceiling tiles at the Senior Center. *Resolution # 61-2023 on motion of Councilman Giordano second by Councilman Vosburgh to use the balance of the monies received from Greene County ARPA funds on replacement of ceiling tiles at the Senior Center. Adopted Vote: 5 Yes*

July 4<sup>th</sup> Meeting – Supervisor Finch stated the first meeting in July falls on the 4<sup>th</sup> holiday. *Resolution # 62-2023 on motion of Councilman Vosburgh second by Councilman McCulloch to have one meeting in July due to the fact the 4<sup>th</sup> of July holiday falls on the first Tuesday meeting of the month. Adopted Vote: 5 Yes*

Even Year Elections – Supervisor Finch spoke about the resolution opposing even year elections. Councilman Giordano stated they are tampering with home rule and general elections and targeting town elections. Councilman Vosburgh does not believe they will be saving any money when only one person runs in a county election. *Resolution # 63-2023 on motion of Councilman Giordano second by Councilman McCulloch, Councilman Vosburgh, Councilwoman Scannapieco and Supervisor Finch urging the Governor to Veto A.042828B/S3505B to Move Certain Local Elections to Even-Numbered Years. Adopted Vote: 5 Yes*

With no further business a motion to adjourn the meeting was made by Councilman Giordano second by Councilwoman Scannapieco. Meeting ended 7:43 pm.

Respectfully submitted,

Elizabeth Izzo  
Town Clerk



Catskill Town Board Committee Meeting  
Catskill Town Hall  
July 19, 2023 6:30 pm

RESOLUTION # 64-2023

TOWN OF CATSKILL STANDARD WORKDAY AND  
REPORTING RESOLUTION

Council \_\_\_\_\_ presented the following for consideration and adoption,

BE IT RESOLVED, that the Town of Catskill hereby establishes the following as standard work days for elected officials and will report the following days worked to the New York State Retirement and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Standard Work Day (hrs./day)	Term Begins/Ends	Participates in Employer's Time Record Keeping System	Days/Month (based on record of activities)
Supervisor	Dale Finch	8	1/1/2020-12/31/2023	No	Not submitted

Council \_\_\_\_\_ seconds this motion.

Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Absent \_\_\_\_\_ Motion \_\_\_\_\_

On this 19<sup>th</sup> day of July, 2023

\_\_\_\_\_  
Town Clerk

Date Enacted: July 19, 2023

I, Elizabeth Izzo, Town Clerk of the governing board of the Town of Catskill of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the 19th day of July, 2023 on file as part of the minutes of such meeting and that the same is a true copy thereof and the whole of such original.

I further certify that the full board consists of five (5) members and that five (5) of such members were present at such meeting and that five (5) of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have unto set my hand and the seal of the Town of Catskill.



**Carson Power LLC**  
222 Broadway, 27<sup>th</sup> Floor  
New York, NY 10038  
845-981-9802  
coconnor@carson-power.com  
www.carson-power.com

June 15th, 2023

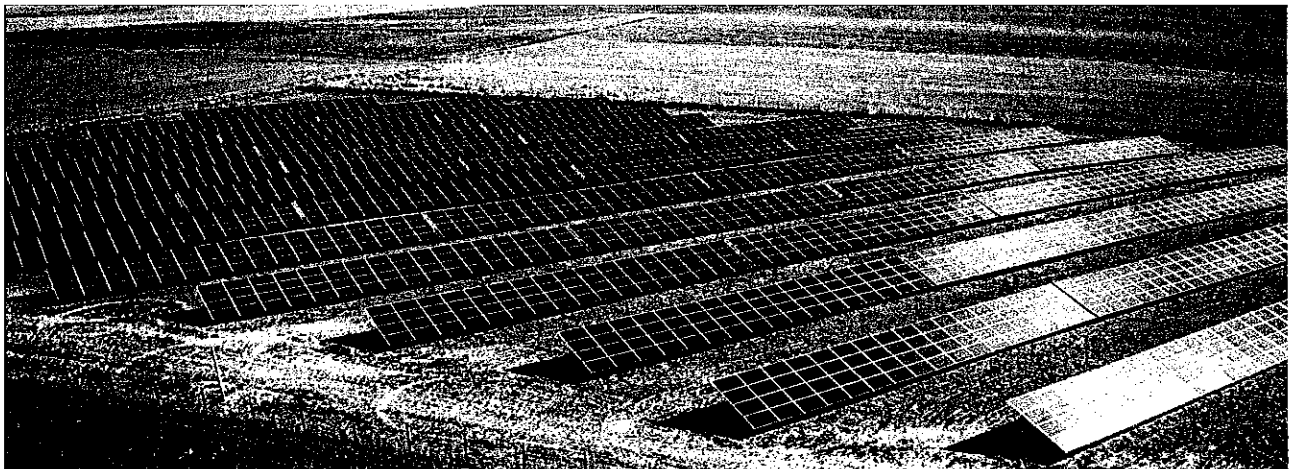
439 Main St  
Catskill, NY 12414

Dear Town Of Catskill,

My name is Cameron O'Connor from Carson Power, a New York based energy developer. We are looking for suitable land in New York State to develop a community solar project. We are offering competitive lease rates and purchase prices for land that is suitable to host Community Solar. Our lease rate for property in Greene County is \$1,800 - \$2,500. You could earn 25+ years of passive income by leasing a portion of your property for a solar project that will deliver clean energy to your community.

**Almost 60% of the entire available pool of Community Solar Incentives have been captured by solar projects in New York. To make these projects viable, both the Community Solar Incentives and sufficient interconnection capacity are required. The Community Solar incentives are depleting incredibly fast and there is an increasingly limited amount of space on the grid of the New York utilities to be able to interconnect Community Solar projects.**

Community Solar Incentives and the interconnection capacity are captured on a first come first serve basis. Once the incentives have been allocated and grid capacity is full a community solar development in your area will no longer be viable. If you are interested in earning passive income from your land with solar there is a limited timeline to participate.



We have analyzed the entirety of Greene County and identified an extremely limited number of properties that are viable for community solar. Your property has passed our initial screen as potentially capable of hosting community solar. To better understand if your property meets the criteria to host a community solar project an additional level of site due diligence is required. This will include reviewing local zoning requirements and engaging with Central Hudson Gas & Electric to determine project feasibility. Our team will commence this review within 24 hours of response to this letter.

If your property clears this analysis we would be interested in leasing or purchasing a minimum of 10 acres, or potentially purchasing the entire property, to pursue a community solar project. Our competitive lease rate for property in your area is \$1,800 - \$2,500 per acre, per year.

There is substantial urgency in this market due to the limited amount of program incentives and limited capacity on the grid to host additional energy from community solar facilities. If you have any interest in benefiting from the solar boom in New York state, please call me at 845-981-9802 at your earliest convenience.

Sincerely,

*Cameron O'Connor*

**Cameron O'Connor**

Carson Power LLC

845-981-9802

coconnor@carson-power.com

GR-23-2743

Kiskatom Fire District

4838 Route 32

Catskill, NY 12414

Town of Catskill Supervisor

Dale Finch

439 Main St.

2<sup>nd</sup> Floor

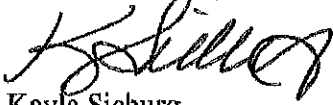
Catskill, NY 12414

Dear Mr. Finch,

The Kiskatom Fire District's Board of Commissioners has requested this letter in writing regarding the property located at 4858 Route 32 Catskill, NY 12414, The Friar Tuck Inn.

It has come to our attention that the property owners have been intentionally hampering our fire suppression access to the site. We are asking that the Town of Catskill addresses the situation at hand so the Kiskatom Volunteer Fire Department has access to the site in the event of a dispatched emergency response.

Very Respectfully,



Kayla Sieburg

Kiskatom Fire District Secretary

**From:** Dale Finch  
**Sent:** Thursday, July 6, 2023 5:20 PM  
**To:** .j  
**Cc:** Dale Finch; Hilscher & Hilscher; Patrick McCulloch; pvosburgh@townofcatskillny.go; Jared Giordiano; Dawn Scannapieco; Elizabeth Izzo  
**Subject:** Friar Tuck  
**Attachments:** MX-3050V\_20230703\_141142.pdf; Order FT Mott.pdf

Pete,

In response to the letter received from the Kiskatom Fire District, I wanted to share with you the attached document from Hon. Richard Mott.

Judge Mott has ordered the Defendants to respond by July 21, 2023. I can assure you that the Town of Catskill takes the Fire Departments concerns seriously and will work diligently to seek a favorable outcome.

Sincerely,

Dale Finch  
Catskill Town Supervisor

**STATE OF NEW YORK  
SUPREME COURT: COUNTY OF GREENE**

TOWN OF CATSKILL, PLAINTIFF,

-against-

NY-32 REALTY GROUP INC. AND  
4880 ROUTE GROUP INC.,  
DEPENDANTS.

**ORDER TO SHOW CAUSE  
AND TEMPORARY  
RESTRAINING ORDER**

INDEX NO.: EF2023-451

RJI NO.:


TO: NY-32 Realty Group Inc., 67-29 Kessel Street, Flushing, New York 11375  
4880 Route Group Inc., 4880 Route 32, Catskill, New York 12414

WHEREAS in an action in Supreme Court, Greene County, New York brought by  
Town of Catskill, a municipal subdivision of the County of Greene and State of New  
York; said Town of Catskill alleges various violations of the New York State Building  
and Fire Code and Catskill Town Code, regulations of the New York State Department of  
Labor, New York State Department of Environmental Conservation, and

WHEREAS, it appears that the Defendants threaten or are about to do an act in  
violation of the rights of the public, and tends to render any judgment in this matter  
ineffectual and where the Plaintiff has demanded and would be entitled to a judgment  
restraining the Defendant from the commission or continuance of an act which would  
produce injury to the public and where it appears that immediate and irreparable injury  
loss or damage will result unless the Defendants are restrained before a hearing can be  
had.

NOW upon the motion of J. Theodore Hilscher, attorney for the Plaintiff, it is  
hereby

ORDERED that Defendants NY-32 Realty Group Inc. and 4880 Route Group Inc. show cause before this Court at the Greene County Courthouse, Catskill, New York 12414 on July 28, 2023 ON PAPERS ONLY why an Order should not be made and entered enjoining the Defendants, during the pendency of this action, from residing, using, occupying, renting or advertising for rent the buildings or lands of the Defendants located at Route 32 and Mountain Turnpike in the Town of Catskill, also known as Tax Map Numbers 169.00-4-7.2, 169.00-4-7.1, 169.00-4-22, and 169.00-2-21 (hereafter the subject premises), and it is further

 ORDERED, that any Defendant or agent, ~~contract vendee, assignee, tenant, leasee,~~ representative or member of the public thereof served with this restraining notice is hereby forbidden to reside, occupy, possess, use, rent or advertise for rent the buildings or lands of the Defendants located at Route 32 and Mountain Turnpike in the Town of Catskill, also known as Tax Map Numbers 169.00-4-7.2, 169.00-4-7.1, 169.00-4-22, and 169.00-2-21 until a hearing can be held in this matter.

Service of this restraining order shall consist of:

- (1) Mailing by overnight mail to the following addresses:
  - a. NY-32 Realty Group, Inc., 67-29 Kessel Street, Flushing, New York 11375; and
  - b. 4880 Route Group Inc., 4880 Route 32, Catskill, New York, 12414
- (2) emailing to the following emails:

- a. elenafustudio@gmail.com (Elena Fu, President of Defendant Corporations)
- b. oswald@ruppbaase.com (Phillip A. Oswald, Esq., counsel to the Defendants in the prior action *Town of Catskill v. NY-32 Realty Group, Inc. and 4880 Route Group Inc.*, EF2021-295)

all to be accomplished by July 7, 2023, and it is further


~~ORDERED, law enforcement officers, including but not limited to the Greene County Sheriff's Department, are empowered to (a) pad lock all gates and entrances to subject premises, (b) have free and open access to subject premises and (c) evict persons found inhabiting or entering for the purpose of inhabiting the premises which are the subject of this action until such time as a bond is posted by the Defendants with the Town of Catskill in the amount of \$100,000, said amount to be forfeited in the event of disobedience of this restraining order, and it is further~~

~~ORDERED, Defendants' answering papers be served by electronic mail to Plaintiff counsel on or before July 21, 2023 and Plaintiff's reply papers, if any be served~~

~~by electronic mail to Defendants' counsel on or before July 27, 2023.~~

~~TAKE FURTHER NOTICE that disobedience of this restraining order is punishable as a contempt of court.~~

Dated: July 5, 2023

  
 Hon. Richard Mott  
 Supreme Court Justice



Elizabeth Izzo

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**From:** Dale Finch  
**Sent:** Saturday, June 24, 2023 8:46 PM  
**To:** Joseph Izzo; Matt Luvera; Judy Kusminsky; Jay Lucas; Linda Overbaugh; Mike Bulich; Town Clerk; Audre Higbee; Town Supervisor  
**Subject:** Re: Hotel at Thruway and Stewarts

Thank you!

Dale

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**From:** Joseph Izzo <jkizzo@verizon.net>  
**Sent:** Saturday, June 24, 2023 7:13:12 PM  
**To:** Matt Luvera <mattluvera@yahoo.com>; Judy Kusminsky <jkusminsky@catskillcsd.org>; Jay Lucas <jaylucas@catskillcsd.org>; Linda Overbaugh <lindaoverbaugh@catskillcsd.org>; Mike Bulich <mikebulich@catskillcsd.org>; Town Clerk <TownClerk@townofcatskillny.gov>; Audre Higbee <AHigbee@townofcatskillny.gov>; Town supervisor <supervisor@townofcatskillny.gov>  
**Subject:** Hotel at Thruway and Stewarts

You don't often get email from jkizzo@verizon.net. [Learn why this is important](#)

To all:

Please note that all the information for the Hotel, including bids for water and sewer, Environmental study and items related to the building process can be found in the IDA web site

Joe  
Joseph Izzo  
jkizzo@verizon.net



**Greene County Industrial Development Agency  
APPLICATION FOR FINANCIAL ASSISTANCE**

*The information provided in this application is required to determine eligibility for GCIDA assistance. This information will be considered preliminary. The information in this application along with further information or analysis obtained during the review of the project by the GCIDA will form the basis of determining the terms of any potential incentives to be provided. The information in this application shall not be considered the definitive source in the preparation of future project documents. Upon the review of the application the GCIDA may request additional information.*

**FOR ANSWERS THAT REQUIRE ADDITIONAL SPACE PROVIDE ON SUPPLEMENTAL SHEETS**

**PART 1: APPLICANT INFORMATION**

<b>Applicant's Name (Company):</b> Catskill Lodging LLC	<b>Federal ID #:</b> 92-1736919	<b>Date of Submission:</b> 3/30/23
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**Name/Title and of Person Completing Application:**  
Jayesh Modhwadiya, Principal

**Company Address:**  
47 Southern Ln, Warwick, NY 10990

<b>Phone:</b> 845-382-2600	<b>Mobile:</b> 914-500-3075	<b>E-mail:</b> jmodhwadiya@gmail.com
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**Name/Title/Phone/E-mail of Additional Authorized Representatives:**

- John Joseph Goonan, Principal, 845-988-6188, john@southernrealtydev.com
- Vikram Bapodra, Principal, 914-420-4564, vbapodra@gmail.com
- 

**Legal Counsel (Firm):**  
Freeman Howard PC

**Attorney Name:**  
Paul M. Freeman, Esq.

**Attorney Address:**  
441 East Allen Street P.O. Box 1328 Hudson, NY 12534

<b>Attorney Phone:</b> (518) 828 - 2021	<b>Attorney Mobile:</b>	<b>Attorney E-mail:</b> Freeman@freemanhoward.com
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**Company Type/Organization:**  
Corporation:  Corporation Type: \_\_\_\_\_ Partnership:  Sole Proprietorship:

**Corporation Information:**  
State Incorporated New York Date Incorporated \_\_\_\_\_ Authorized to do business in NYS

**Partnership Information:**  
Type of Partnership LLC No. General Partners 3 No. Limited Partners 0

Is the Company a subsidiary or direct/indirect affiliate of any other organization(s)? Yes  No

If yes, indicate name of related organization(s) and relationship:

Is the Company publicly held? Yes  No  Stock Symbol \_\_\_\_\_ Exchange \_\_\_\_\_

**Company Management (list all owners, officers, directors and partners (add additional page if required))**

Name	Office Held/Title	Years Title Held
1. Jayesh Modhwadiya	Principal	1
2. Vikram Bapodra	Principal	1
3. John Joseph Goonan	Principal	1
4.		
5.		
6.		

If the answer is "YES" to any of the following legal questions, please provide a detailed confidential explanation under a separate cover addressed to the GCIDA Counsel at the address provided later in this application

Has the company or any of its affiliates ever been involved in bankruptcy, a creditors rights or receivership proceeding, or sought protection from creditors? Yes  No

Has the company ever settled a debt with a lending institution for less than the full amount outstanding? Yes  No

Has any executive staff, senior managers, or principals/owners of the company ever been convicted of any felony or misdemeanor other than a minor traffic violation or are such charges pending? Yes  No

Has the company or any of its affiliates been cited for a violation of federal, state, or local regulations with respect to labor practices, hazardous wastes, environmental pollution, or operating practices? Yes  No

Are there any outstanding judgements or liens pending against the company other than liens in the normal course of business? Yes  No

Is, or has the company been delinquent on any New York State, Federal, or local tax obligations? Yes  No

Business Description: Summarize company background, products, goods, and services:

**Business Activity by Location Estimate the percentage of the company's sales/activities based on location:**

Within Greene County 100 % Within NYS outside Greene County 0 % Outside NYS but within the USA 0 %  
Outside the USA 0 % List primary foreign countries N/A

**Business supply sources by location, estimate the percentage of the company's raw material purchases based on location:**

Within Greene County 10 % Within NYS outside Greene County 70 % Outside NYS but within the USA 20 %  
Outside the USA 0 % List primary foreign suppliers N/A

**Will a real estate holding company be utilized to own the project property/facility?**

Yes  No  Name of company: Catskill Lodging LLC Federal ID #: \_\_\_\_\_

The GCIDA is legally required to submit reporting on the project to NYS that requires information from and the cooperation of the applicant. Applicant participation is not optional. All information must be submitted in a complete and timely manner. Failure to comply with this requirement will result in a loss/recapture/termination of all or some of the company's benefits.

I, Jayesh Modhwadiya, being the Principal of Catskill Lodging LLC do hereby certify that I understand and consent to cooperate fully with the GCIDA in any local, state, or federal reporting that is required of the GCIDA as it relates to this project:

Signed: Jayesh Modhwadiya Date: 3.23.2023

For the purpose of conducting a thorough review of the project and the structuring potential financial incentives to be provided by the GCIDA, the GCIDA reserves the right to request detailed financial information from the company. Such information may include, but is not limited to accountant prepared financial statements, certificate of good standing from NYSDOS, proformas, tax returns, and other information. The GCIDA will work with the applicant on determination of the need for confidentiality of these records. Further, failure to produce requested information in a timely manner may result in a delay in GCIDA actions or no further action by the GCIDA.

I, Jayesh Modhwadiya, being the Principal of Catskill Lodging LLC do hereby certify that I understand and consent to cooperate fully with the GCIDA in any local, state, or federal reporting that is required of the GCIDA as it relates to this project:

Signed: Jayesh Modhwadiya Date: 3.23.2023

**Company Audit Representative:**

Name Jayesh Modhwadiya Title Principal

Address: 1307 Ulster Ave, Kingston, NY 12401

Phone (845) 382-2600 Mobile 914-500-3075 E-mail jmodhwadiya@gmail.com

**PART 2: PROJECT INFORMATION**

<b>Project Street Address:</b> 704 Rt 23B, Catskill, NY 12414	<b>Tax Parcel #:</b> Lot # 138.00-14-1
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<b>Current Legal Owner of Project Site:</b> Greene County IDA	<b>Does Applicant have formal option if not owner?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
--	---

<b>How will the site be acquired (if applicable)?</b> Fee Simple Purchase	<b>When is the site planned to be acquired?</b> Upon Satisfying Contingencies, Estimated July, 2023
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<b>Municipality:</b> Village of Catskill	<b>Current Zoning:</b>	<b>Will variance be needed?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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**List any required zoning variance(s) if known:**  
N/A

<b>Current primary use of the property:</b> Vacant Land <input checked="" type="checkbox"/> Vacant Building <input type="checkbox"/> In use/Occupied <input type="checkbox"/>	<b>If occupied, current use:</b>
--	----------------------------------

<b>Is the site a known or suspected Brownfield?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown <input type="checkbox"/>	<b>Proposed Size of Project:</b> Site <u>2 Acres</u> (acres) Building(s) <u>1, 54,600</u> (sq. ft.)
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<b>Has or will a Phase I ESA Been Prepared?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> (if yes, provide a copy)	<b>Have any other environmental studies been completed?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (if yes, provide a copy)
---	---

**Are current environmental conditions at the site complicating development/use of the property?** Yes  No   
If yes, explain \_\_\_\_\_

**Has, or is the site subject to environmental fines, order on consent, or other regulatory action(s)?** Yes  No   
If yes, explain \_\_\_\_\_

**Project Type (check all that apply):**  
 Commercial     Professional     Manufacturing     Distribution     Housing\*\*     Retail\*  
 Energy\*\*     Adaptive Reuse     Tourism     Other Hotel

\* Complete specific use type questionnaire in Attachment A  
 \*\* Complete project specific questions in following sections

**HOUSING PROJECTS – The Agency does not provide incentives to single family home or market rate apartment Projects**

Housing Type:  Senior (55+)     Work Force     Special Needs     Other (describe) \_\_\_\_\_

**Will the project have rental rates based on income or other metrics?** Yes  No   
If yes, describe \_\_\_\_\_

**Will the project include tax incentives that directly influence rental rates?** Yes  No   
If yes, describe/list \_\_\_\_\_

**Will the project include restrictions on rentals?** Yes  No  Number of Rental Units \_\_\_\_\_  
If restricted housing, indicate restrictions:  Income     Age     Special Needs     Other \_\_\_\_\_

**ENERGY PROJECTS – Complete this section for any energy related projects**

Project Type:  Energy Production  Energy Storage  Energy Transmission  
 Other (describe) \_\_\_\_\_

Energy Production Type:  Solar  Wind  Biomass  Hydro  
 Other (describe) \_\_\_\_\_

Project Size:  MW Project Offtake:  Specific consumer (PPA)  Community  Wholesale

Does the Project have a confirmed buyer for the power? Yes  No

If yes, describe/list \_\_\_\_\_

Will the Project receive NYSERDA Incentives? Yes  No

If yes, describe/list \_\_\_\_\_

**COMPLETE FOR ALL PROJECTS:**

Provide narrative describing the Project such as new build, renovation, and/or equipment purchase. Identify specific uses proposed for the Project as well as any tenants and/or any end users. (Additional information may be requested by the GCIDA, use additional pages, as necessary.)  
NAICS Classification:

The Project will be a 92-key Hampton Inn by Hilton, a select-service hotel in the Hilton family of hotel brands. Catskill Lodging LLC will construct a new hotel building on the site which will meet or exceed all Hampton Inn brand specifications for design, quality of construction materials, operating supplies and equipment, life safety standards, etc. Upon completion, the developer will continue to own and operate the Hotel which will provide a high-quality and reasonably priced lodging amenity for all types of visitors to the area while also creating significant employment and tax revenue.

<b>Projected Start Date:</b> 8/1/23	<b>Projected Time to Completion:</b> 7/1/24	<b>Est. date of need for GCIDA benefits:</b> 7/1/24
--	--	--

<b>Does the site have public infrastructure?</b> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input checked="" type="checkbox"/>	<b>Is additional public infrastructure needed to support the project?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, describe: The following will be required: roads, electric, water, sewer, gas, fiber optic
--	---

**Has the project been presented to the local planning board for approval?** Yes  No   
If yes, summarize current status of review: \_\_\_\_\_

**Has the project been subject to review under the state SEQRA regulations?** Yes  No   
If yes, who was/is the Lead Agency for the Review: Town of Catskill

**If yes, has a final determination been made by the Lead Agency:** Yes  No  PosDec  NegDec

**If a PosDec, has an Environmental Impact Statement been prepared and submitted to the Lead Agency:**  
Yes  No  In progress  Estimated EIS Completion Date: 2/1/23

**If SEQRA has been completed, submit copies of the SEQRA forms and Lead Agency Findings Resolution. If SEQRA review has not commenced, notify the Lead Agency that the GCIDA should be included as an Involved Agency during the review.**

Will the Project result in the relocation of an existing facility from one part of NYS to another: Yes  No

If yes complete Attachment B: Intermunicipal Move Determination

Will the project result in the relocation from another state or country: Yes  No

If yes, list state, municipality and/or country: \_\_\_\_\_

**Describe the reasons why the GCIDA's financial assistance is necessary and the effect the Project will have on the applicant's business or operations. Address competitiveness, project shortfalls, and any factors that make financial assistance necessary. Eligibility will be based in part by the response. Use additional pages, as necessary.**

This Project is likely only feasible with the GCIDA's financial assistance. While the applicants are confident in the sound underwriting for the Hampton Inn Catskill (the "Hotel"), there are significant market headwinds and operational challenges that will reduce potential cash flow in the near-term, and add considerable risk to the ramp-up and stabilization of the Hotel's business. The following items are the most notable challenges which will be overcome, in part, with sufficient GCIDA financial assistance:

- Capital Market Environment; Since March, 2022, the Fed has raised lending rates four times resulting in an aggregate increase of 275 basis points. At the same time, lenders have increased their lending spreads to protect against potential future rate hikes. As a result, the initial construction loan for this Project will likely be made with a rate between 7%-8%. This represents a 300-400 basis point increase in less than a year. Given the recent spike in the cost of capital, and the uncertain pricing for any future refinance, there will be a significant reduction in the return on investment from this project.
- Construction Costs; As a result of a range of inflationary pressures and supply chain disruptions, the cost of construction has increased by over 14% year over year in 2022 according to CBRE's Construction Cost Index.
- Cost of Labor; The rising cost of labor, one of the most significant operational expenses for the Hotel, is a significant added cost. Specifically, wages and salaries increased 5.1 percent for the 12-month period ending in September 2022 and increased 4.2 percent for the 12-month period ending in September 2021.
- Location: This location remains somewhat unproven for upper midscale branded hotels - it will likely take 36 months, or more, to stabilize the performance and operations of the Hotel as the market continues to +

**Please confirm by initializing the appropriate response relating to the likelihood that the project would not be undertaken BUT FOR the financial assistance provided by the GCIDA: Likely  Not Likely**

**PART 3: ESTIMATED PROJECT COSTS AND FINANCING**

*Provide current estimates for all construction and related costs for the Project. Any future amendments to the budget should be provided as an addendum to the application. Credible estimates are necessary and an important component of the GCIDA's review and consideration of a Project.*

<b>PROJECT BUDGET</b>		<b>PROJECT FINANCING</b>	
<i>Land Acquisition</i>	\$ 1,450,000	<i>Owner Equity</i>	\$4,464,500
<i>Land Lease</i>	\$0.00	<i>Other Private Equity</i>	\$0.00
<i>Buildings (as is at closing)</i>	\$0.00	<i>Bank Financing</i>	\$13,393,500
<i>Utilities, roads, appurtenant costs</i>	\$0.00	<i>State/Federal Tax Credits</i>	\$0.00
<i>Architects, Engineers, Consultants</i>	\$300,000	<i>Local/State/Federal Grants</i>	\$0.00
<i>Bond Issue Costs (legal, printing, etc.)</i>	\$0.00	<i>Public Agency Financing</i>	\$0.00
<i>Construction Loan Fees &amp; Interest</i>	\$1,023,000	<i>Industrial Revenue or Other Bonds</i>	\$0.00
<i>Franchise Fees and other Soft Costs</i>	\$75,000	<i>Total Estimated Financing</i>	\$13,393,500
<i>Construction Costs, New Construction</i>	\$12,100,000	<i>Have any of the project expenses listed already been made by the applicant? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></i> <i>If yes, total expenditure to date: \$ Aprox. \$50,000</i>	
<i>Construction Costs, Renovation</i>	\$550,000	<i>Has bank financing been secured? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></i>	
<i>Construction Management/Oversight</i>	\$110,000	<i>Bank Name:</i>	TBD
<i>FF&amp;E</i>	\$2,250,000	<i>Bank Contact:</i>	TBD
<b>TOTAL PROJECT COST</b>	\$17,858,000	<i>Bank Phone:</i>	TBD

**NOTE: GCIDA benefits are not retroactive and no benefit can be taken until such time that the GCIDA has formally approved the Project and executed all Project agreements with the applicant. Any expenditures prior to formal approval will be subject to the applicable taxes.**



**PART 4: GCIDA FINANCIAL ASSISTANCE REQUESTED**

*Financial incentives provided by the GCIDA are subject to a rigorous review and analysis by the GCIDA Staff and Board. Any requested benefits are contingent on GCIDA evaluation and will be finalized after an appropriate review as set forth in GCIDA policies and procedures. Applicants may be required to submit additional information tailored to each specific project to allow for the GCIDA to develop a formal incentive package for the Project.*

**A. Mortgage Recording Tax Exemption**

Is the applicant seeking an exemption from the Mortgage Recording Tax? Yes  No  TBD

If yes, estimated amount of financing expected to be subject to Mortgage Recording Tax: \$ \$13,393,500

If yes, estimated amount of Mortgage Recording Tax requested to be exempted: \$ \$167,418

**B. Sales and Use Tax Exemption**

Is the applicant seeking an exemption from project sales and use tax? Yes  No  TBD

If yes, estimated value of construction and FFE costs subject to sales tax: \$ 14,300,000

If yes, estimated amount of Sales and Use Tax to be Exempted: \$ \$1,144,000

If yes, projected timeframe needed for Sales and Use Tax exemption (years): 3

**C. Payment in Lieu of Taxes (PILOT)**

Is the applicant seeking to negotiate a PILOT for the project? Yes  No

If yes, what is the duration of the PILOT requested (years): 15

**D. Industrial Development Bonds**

Is the applicant seeking GCIDA issuance of tax exempt Industrial Development Bonds for the project? Yes  No

If yes, what is the estimated value of the bonding being requested: \$ \_\_\_\_\_

If yes, does the applicant have purchasers in place for the bonds: Yes  No

**PART 5: PROJECT BENEFITS**

**5.1 Employment Plan**

*The creation and/or retention of employment opportunities in the community is a primary mission of the GCIDA. In the following section use best available information to project the employment impact in the community. Prior to the approval of any incentive package, the GCIDA and applicant will establish formal and measurable milestones for employment if GCIDA financial assistance is provided. Questions on class of employment should be directed to GCIDA staff during completion of the application. Employment projections in this application will not serve as the sole source for any employment based material factors that may be part of an GCIDA financial package.*

<i>Job Types</i>	<i>Full Time (FT)</i>	<i>Part Time (PT)</i>	<i>FT Seasonal</i>	<i>PT Seasonal</i>
# of current jobs to be retained <sup>(1)</sup>	0	0	0	0
# of current jobs to be relocated to project <sup>(1)</sup>	0	0	0	0
# of new jobs to be created <sup>(1)</sup>	22	5	0	0
# of jobs associated with contracted services <sup>(1) (2)</sup>	0	0	0	0
# of jobs associated with temporary workers <sup>(1) (3)</sup>	0	0	0	0

*(1) Provide # of jobs based on three (3) years after the project reaches full time operation.*

*(2) Provide # of jobs projected to be created by contracted services. Only include jobs that will be working 100% dedicated to the project. Do not include contracted services when employees work at multiple locations and not dedicated to the project work force.*

*(3) Provide # of jobs projected to be created that will be filled by temporary workers.*

*The mission of the GCIDA is to create permanent, sustainable employment opportunities. If the project will utilize contracted or temporary employment services to fill employee requirements, please describe in detail how these positions will be used in the company's employment plans.*

N/A

### 5.2 Salary & Fringe Benefits Summary

<i>Job Category</i>	<i># Jobs Retained</i>	<i># Jobs Created</i>	<i>Salary Average or Range</i>	<i>Fringe Benefits Average or Range</i>
<i>Management</i>	0	2	\$65,000	
<i>Professional</i>	0	1	\$50,000	
<i>Administrative</i>		1	\$50,000	
<i>Production (skilled)</i>	0	8	\$31,200	
<i>Production (unskilled)</i>	0	17	\$30,160	
<i>Contractual Services</i>	0	0	\$15,000	
<i>Temporary Services</i>	0	0	\$10,000	
<i>Other (non-construction)</i>	0	0	0	

Please provide an estimate of the total annual payroll at the project site: \$ \$750,000

Please provide an estimate of the total cost of fringe benefits at the project site: \$ \$33,600

### 5.3 Other Project Benefits

Does the company provide comprehensive medical insurance coverage for employees? Yes  No

Does the company provide a retirement plan for employees? Yes  No

Does the company have a bonus or other financial incentive program? Yes  No

If the applicant answered Yes to any of the above questions, provided separately a description of the benefits package proposed to be provided to employees.

What is the estimated value of the annual operating costs associated with the facility that can be expected to be obtained in the local community, or broader region?

\$ \$1,800,000

What is the estimated value of any charitable donations the Project may make to the local community?

\$ \$25,000

Will the project result in the generation of Sales and Use Tax for Greene County?

Yes  No

If yes, please provide estimate of annual sales/transitions that will generate sales tax:

\$ \$3,683,286 (Year 3 State)

Describe/List any other benefits the project will provide to employees or the community:

- Job training, opportunity for promotion, world renowned brand affiliation.
- High quality lodging amenity will increase visitors to Catskill for business and leisure travel.
- Provides reliable option for lodging required for group social events (e.g. weddings).

**PART 6: CONSTRUCTION**

*The GCIDA does not use temporary construction jobs to meet employment requirements that may be a Material Factor in a formal incentive package. However, the GCIDA does consider construction activities, especially prioritization of the local workforce in its final determination in the providing of incentives and amounts.*

<b>Estimated length of construction (months):</b>	12	<b>Estimated Start Date:</b>	8/1/23
<b>Estimate of Construction jobs to be created:</b>	100	<b>Estimated Completion Date:</b>	7/1/24
<b>Will the project commit to using construction firms that prioritize workers from within a 100-mile radius of the project site when available?</b>			Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Will the Project utilize union trades for some or all of the construction?</b> <i>If yes, estimate the percentage of the total construction that may be expected to use union trades:</i>			Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <u>5</u> %
<b>Has the Project selected a General Contractor for the Project's Construction?</b> <i>If yes, please identify GC: _____</i>			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

## **PART 7: AGREEMENTS BY APPLICANTS**

7.1 Except as otherwise provided by collective bargaining agreement, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor. Job listings will be provided to the Workforce Development Program residing at Columbia-Greene Community College.

7.2 In accordance with Section 874(8) of the General Municipal Law, the Applicant understands and agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance ("Dept"), the annual form prescribed by the Dept, describing the value of all Sales and Use Tax exemptions claimed by the Project, including all contractors and subcontractors.

7.3 The Applicant acknowledges the Agency has annual reporting deadlines to the NYS Authorities Budget Office ("ABO") which require the collection of accurate and timely data from the Project. The Agency will issue a request for information in the 4<sup>th</sup> quarter of each year of active benefit. The Applicant agrees that they will submit all requested data no later than January 31<sup>st</sup> of each calendar year during the term of the Agency's assistance. A check list of items for annual reporting will be provided at the closing for the Agency benefits.

7.4 No member, officer, or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this application. In the event of a conflict with this provision, the Applicant will provide under separate cover information about any interest in the Project by the Agency's officers, members, or employees.

7.5 The applicant certifies that they are aware of, and understand, the Agency's Fee Schedule as set forth in Attachment C to this application. The Agency reserves the right to amend or revise the Fee Schedule.

7.6 The applicant will be responsible for all legal costs incurred by the Agency related to preparation and execution of all documents necessary to receive final Agency benefits. Reimbursement may include legal notices. The applicant will be billed separately by the Agency's counsel at the closing. The Applicant will be responsible to enter into a separate agreement for payment with the Agency's counsel as set forth in the Fee Schedule (Attachment C). Nonpayment of legal expenses will result in termination of the benefits by the Agency.

7.7 The applicant acknowledges that the Applicant is solely responsible for obtaining the financing for the Project.

7.8 The Applicant will provide a liability and contract liability policy naming the Agency as an insured party. The policy will be in the amount of one million dollars (\$1,000,000) and will be maintained for a period of one (1) year after the completion of the Project's construction.

7.9 The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the Project is in substantial compliance with applicable local, state, and federal laws applicable to the Applicant and the Project.

7.10 The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to immediate termination of Financial Assistance to the Project and the reimbursement of an amount equal to all or part of any tax exemptions claimed by reason of the Agency's involvement in the project.

7.11 The Applicant confirms and acknowledges that failure to meet the Material Terms related to employment, investment etc., or failure to meet mandated local, State, Federal, or Agency reporting may be viewed by the Agency as failing to meet the established standards of economic performance which may result in the Agency requiring recapture of some or all of the benefits provided to the Project.

7.12 The Applicant understands and agrees that in the event that (a) the Applicant does not proceed to final Agency approval within six (6) months of the Agency's acceptance of this application and/or (b) close with the Agency on the requested financial assistance within twelve (12) months of the date of this Application, the Agency reserves the right

to rescind and cancel all prior approvals. In the event the Agency rescinds its approvals and the Applicant reapplies to the Agency, the Applicant will be subject to the Application fee as well as any changes to in law, Agency policies or fees imposed by the Agency that are in effect as of the date of reapplication.

7.13 The Applicant acknowledges that the Agency is subject to NYS Freedom of Information Law (FOIL). Applicants understand that all project information and records related to this application are potentially subject to disclosure under FOIL subject to limited statutory exclusions.

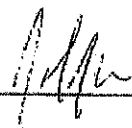
7.14 The Applicant has received from the Agency a list of the members, officers, and employees of the Agency. If, any member, officer, or employee of the Agency has any interest, whether direct or indirect, in any transaction contemplated by this application, the Applicant will notify the Agency in a separate memo that identified the person with the conflict and the basis of the conflict.

7.15 **Hold Harmless Agreement:** Applicant hereby releases the Greene County Industrial Development Agency and the members, officers, agents, and employees thereof (hereinafter collectively referred to as the "Agency") from, agrees that the Agency shall not be liable for, and agrees to indemnify, defend, and hold the Agency harmless from and against any and all liability arising from or expense incurred by the Agency with respect to (1) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the issue of bonds requested therein are favorably acted upon by the Agency, and (2) the issue of bonds requested therein or the Project described therein, including, without limiting the generality of the foregoing, all causes of action and attorney's fees and any other expense incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the Applicant are unable to find buyers willing to purchase the total bond issue requested, then, and in that event, upon presentation of an invoice itemizing the same, Applicant shall pay to the Agency, its agents and assigns, all actual costs incurred by the Agency in the processing of the Application, including attorney's fees, if any.

Name: John Joseph Goonan

Title: Principal

Date: 3/21/23

Signature: 

**PART 8: CERTIFICATION**

The Applicant and the individual executing this application acknowledge that the Agency will rely on the representations made herein when acting upon the application and hereby represent that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.

STATE OF New York

COUNTY OF Ulster ) ss.:

Jayesh modhwadia being first duly sworn, disposes and says:

1. That I am the JAYESH MODHWADIA of CATSKILL LODGE LLC and that I am duly  
(Corporate Officer) (Applicant)  
Authorized on behalf of the Applicant to bind the applicant.

2. That I have read the attached application. I know the contents thereof, and that to the best of my knowledge and belief this application and its contents are true, accurate, and complete.

Jayesh Modhwadia Date 3.23.2023  
(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury  
This 23 day of March, 2023

Lynn M. Heffernan  
(NOTARY PUBLIC SIGNATURE)

NOTARY STAMP

LYNN M. HEFFERNAN  
Notary Public, State of New York  
Reg. 01HE6290633  
Qualified in Greene County  
Commission Expires October 07, 2025



Greene County Industrial Development Agency  
APPLICATION FOR FINANCIAL ASSISTANCE

**ATTACHMENT A: RETAIL QUESTIONNAIRE**

*To be completed by applicants that checked retail as the project type on Section 2 of the application*

Section 862 of NYS General Municipal Law sets limits on the type of retail projects that are eligible for Agency Financial Assistance. To ensure compliance with the State restrictions on IDAs, the following additional information is required to help the Agency determine if the Project qualifies for Agency assistance. Responses to the following questions will assist the Agency in making a determination of eligibility. For the purpose of these questions, the term "retail sales" means (a) sales by a registered vendor under Article 8 of NYS Tax Law primarily engaged in the retail sales of tangible personal property (as defined in Section 1101(b)(4)(i) of tax law) or (b) sales of a service to customers who personally visit the site.

1. Will any portion of the Project consist of facilities that will be primarily used in the sale of goods and services to customers who personally visit the site? Yes  No
2. What percentage of the cost of the project will be expended on facilities primarily used in making sales of goods and services to customers who personally visit the Project? 100 %

• *If the answer to question 2 above is more than 33.33% please answer the questions below.*

3. Is the facility likely to draw a significant number of customers from outside Greene County or the Capital Region Economic Development Region (Albany, Columbia, Greene, Schenectady, Rensselaer, Warren, and Washington Counties)? Yes X No  *(Note: The Agency may require submission of third-party market analysis or other documentation supporting your response.*
4. Will the Project make available goods or services which are not currently reasonably accessible to the residents of the municipality in which the proposed Project will be located? Yes  No  *(note: If yes, please describe in the section below the goods and services provided that can not be obtained locally at this time)*

There is a shortage of lodging in Greene County for current tourist attractions like skiing and hiking. This shortage is also hindering the growth of other industries such as events, wedding venues, and related goods and services.

3. Will the Project be operated by a not-for-profit Corporation? Yes  No
4. Is the project located in a Highly Distressed Area? Yes  No
5. Is the project located in one of the following:
  - a. An Environmental Justice Area: Yes  No
  - b. A census tract or a contiguous census tract which according to the most recent census data, has (i) a poverty rate of at least 20% and/or at least 20% of households receiving public assistance, and (ii) an unemployment rate of at least 1.25 times the statewide unemployment rate. Yes  No





Greene County Industrial Development Agency  
**APPLICATION FOR FINANCIAL ASSISTANCE**

**ATTACHMENT B: INTERMUNICIPAL MOVE DETERMINATION**

The Agency is required by State law to make a determination that, if completion of a Project benefiting from Agency Financial Assistance results in the relocation of a company from one area of the State to another area of the State or in abandonment of one or more facilities of the Project occupant located within the State, Agency Financial Assistance is required to prevent the Project occupant from relocating out of state, or is reasonably necessary to preserve the Project occupant's competitive position in its respective industry.

1. If you answer yes to any of the questions below and fail to provide a detailed justification for the relocation/abandonment, then the Agency will be barred from providing any financial assistance.
2. The Agency is required to notify the Chief Executive Officer of the municipality from which your facility is being relocated/abandoned. This notification will be sent upon receipt of your application and prior to the Agency's processing of the application.

**Certification:** Based on the answers provided below, the Applicant hereby certifies to the Agency that the undertaking of the proposed Project and the provision of financial assistance to the Applicant will not violate GML Section 862(1).

**Will the Project result in the removal of an industrial, manufacturing, or other type company from one part of the state to another area of the state?**

Yes  No

**Will the Project result in the abandonment of one or more plants or facilities within the state?**

Yes  No

**If Yes to either question, explain why Agency Financial Assistance is necessary to prevent the relocation of the Project out of state and/or to preserve the Applicant's competitive position.**

## GCIDA Application for Financial Assistance

The following answers are being provided by Catskill Lodging LLC to ensure the complete submission of its application to the GCIDA for Financial Assistance supporting hotel development at 704 Rt 23B, Catskill, NY 12414.

Supplemental Responses:

**Q: Provide narrative describing the Project such as new build, renovation, and/or equipment purchase. Identify specific uses proposed for the Project as well as any tenants and/or any end users. (Additional information may be requested by the GCIDA, use additional pages, as necessary.)**

R: The Project will be a 92-key Hampton Inn by Hilton, a select-service hotel in the Hilton family of hotel brands. Catskill Lodging LLC will construct a new hotel building on the site which will meet or exceed all Hampton Inn brand specifications for design, quality of construction materials, operating supplies and equipment, life safety standards, etc. Upon completion, the developer will continue to own and operate the Hotel which will provide a high-quality and reasonably priced lodging amenity for all types of visitors to the area while also creating significant employment and tax revenue.

**Q: Describe the reasons why the GCIDA's financial assistance is necessary and the effect the Project will have on the applicant's business or operations. Address competitiveness, project shortfalls, and any factors that make financial assistance necessary. Eligibility will be based in part by the response. Use additional pages, as necessary.**

R: This Project is likely only feasible with the GCIDA's financial assistance. While the applicants are confident in the sound underwriting for the Hampton Inn Catskill (the "Hotel"), there are significant market headwinds and operational challenges that will reduce potential cash flow in the near-term, and add considerable risk to the ramp-up and stabilization of the Hotel's business.

The following items are the most notable challenges which will be overcome, in part, with sufficient GCIDA financial assistance:

- Capital Market Environment; Since March 2022, the Fed has raised lending rates four times resulting in an aggregate increase of 275 basis points. At the same time, lenders have increased their lending spreads to protect against potential future rate hikes. As a result, the initial construction loan for this Project will likely be made with a rate between 7%-8%. This represents a 300-400 basis point increase in less than a year. Given the recent spike in the cost of capital, and the uncertain pricing for any future refinance, there will be a significant reduction in the return on investment from this project.
- Construction Costs; As a result of a range of inflationary pressures and supply chain disruptions, the cost of construction has increased by over 14% year over year in 2022 according to CBRE's Construction Cost Index.
- Cost of Labor; The rising cost of labor, one of the most significant operational expenses for the Hotel, is a significant added cost. Specifically, wages and salaries increased 5.1 percent for the 12-month period ending in September 2022 and increased 4.2 percent for the 12-month period ending in September 2021.
- Location: This location remains somewhat unproven for upper midscale branded hotels - it will likely take 36 months, or more, to stabilize the performance and operations of the Hotel as the market continues to mature and the business develops guest loyalty and awareness.

**Q: Describe/List any other benefits the project will provide to employees or the community:**

R: Benefits to employees or the community include the following:

- Job training, opportunity for promotion, world renowned brand affiliation.
- High quality lodging amenity will increase visitors to Catskill for business and leisure travel.

- Provides reliable option for lodging required for group social events (e.g. weddings).

**Q: *Will the Project make available goods or services which are not currently reasonably accessible to the residents of the municipality in which the proposed Project will be located?***

R: There is a shortage of quality lodging in Greene County to support existing tourist attractions like skiing and hiking. The shortage is also hindering the growth of other industries such as events, weddings, and related goods and services.



**Greene County Industrial Development Agency**  
**APPLICATION FOR FINANCIAL ASSISTANCE**  
**INSTRUCTIONS**

**IMPORTANT NOTICE:** The answers to the questions contained in this Application are necessary to determine your company's eligibility for financing and other assistance from the Greene County Industrial Development Agency. These answers will also be used in the preparation of papers in this transaction. Accordingly, all questions should be answered accurately and completely by an officer or other employee of your company who is thoroughly familiar with the business and affairs of your company and who is also thoroughly familiar with the proposed Project.

1. The Greene County Industrial Development Agency (the "Agency") will not approve any Application unless, in the judgment of the Agency, said Application contains sufficient information upon which to base a decision whether to approve or tentatively approve an action.
2. Please be advised that the Agency charges a fee based on the total project investment. Please see the FEE SCHEDULE.
3. Fill in all blanks, using "none" or "not applicable" or "N/A" where the question is not appropriate to the Project which is the subject of this Application (the "Project").
4. If an estimate is given as the answer to a question, put "(est.)" after the figure or answer which is estimated.
5. If more space is needed to answer any specific question, attach a separate sheet.
6. When completed, return this Application to the Agency at Greene County IDA, 270 Mansion Street, Coxsackie, NY 12051.
7. The Agency will not give final approval for this Application until the Agency receives a completed environmental assessment form concerning the Project which is the subject to this Application.
8. Please note that Article 6 of the Public Officers Law declares that all records in the possession of the Agency (with certain limited exceptions) are open to public inspection and copying. If the Applicant feels that there are elements of the Project which are in the nature of trade secrets which, if disclosed to the public or otherwise widely disseminated, would cause substantial injury to the Applicant's competitive position, the Applicant may identify such elements in writing and request that such elements be kept confidential in accordance with Article 6 of the Public Officers Law.
9. As set forth herein, the Applicant will be required to pay to the Agency and employees or agents of the Agency, all actual costs incurred in connection with this Application and the Project contemplated herein, including all legal fees of the Agency and the administrative fee of the Agency. The costs incurred by the Agency, including the Agency's Bond Counsel, may be considered as a part of the Project and included as a part of the resultant bond issue.
10. The Agency has established an application fee to cover the anticipated costs of the Agency in processing this Application. Please refer to the FEE SCHEDULE. A check or money order made payable to the Agency must accompany each Application. **THIS APPLICATION WILL NOT BE ACCEPTED BY THE AGENCY UNLESS ACCOMPANIED BY THE APPLICATION FEE.**

Elizabeth Izzo

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**From:** Dieter Drake <cyclingpromoter@gmail.com>  
**Sent:** Friday, June 23, 2023 8:02 AM  
**To:** Elizabeth Izzo  
**Subject:** Re: 16th Annual Tour of the Catskills

oops, Saturday, August 12... Sorry about that.

On Fri, Jun 23, 2023 at 7:59 AM Dieter Drake <cyclingpromoter@gmail.com> wrote:  
Hello Elizabeth!

I hope this email finds you well! We are planning for the 16th Annual Tour of the Catskills cycling ride on Saturday, August 16. Like last year, we expect about 400 riders over the course of the day.

Please see the attached notification letter and course map.

As always, we will be providing a certificate of insurance naming the town in the weeks leading up to the event.

We'd also like to use the parking area across from the church in Palenville for an aid station if that's ok again.

Thanks!

Dieter

Thank you!

Dieter

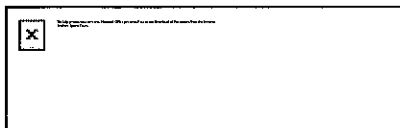
--  
Dieter Drake

719.428.5807 office

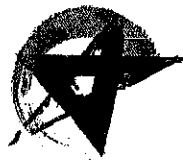


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Dieter Drake

719.428.5807 office



19825 Soaring Wing Drive  
Colorado Springs, CO 80908



**ANTHEM  
SPORTS**

phone 719.246.9761  
info@anthemsports.us

June 24, 2022

Town of Catskill  
439 Main Street  
Catskill, NY 12414

Dear Town of Catskill,

The organizers of the Tour of the Catskills announce the 15th Annual event to be held on **Saturday, August 13**. As with previous years, the event is now non-competitive in format and all 'rules of the road' are to be followed by all participants. Various support personnel will be on course throughout the day to assist riders on the 3 courses available.

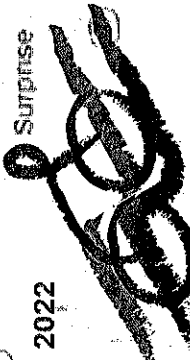
A course map is attached.

The event is currently being coordinated through the Greene County Sheriff's Dept., the NYS Police, and the various Towns and Villages through which the event passes.

I can be contacted at 719.246.9761 or info@anthemsports.us .

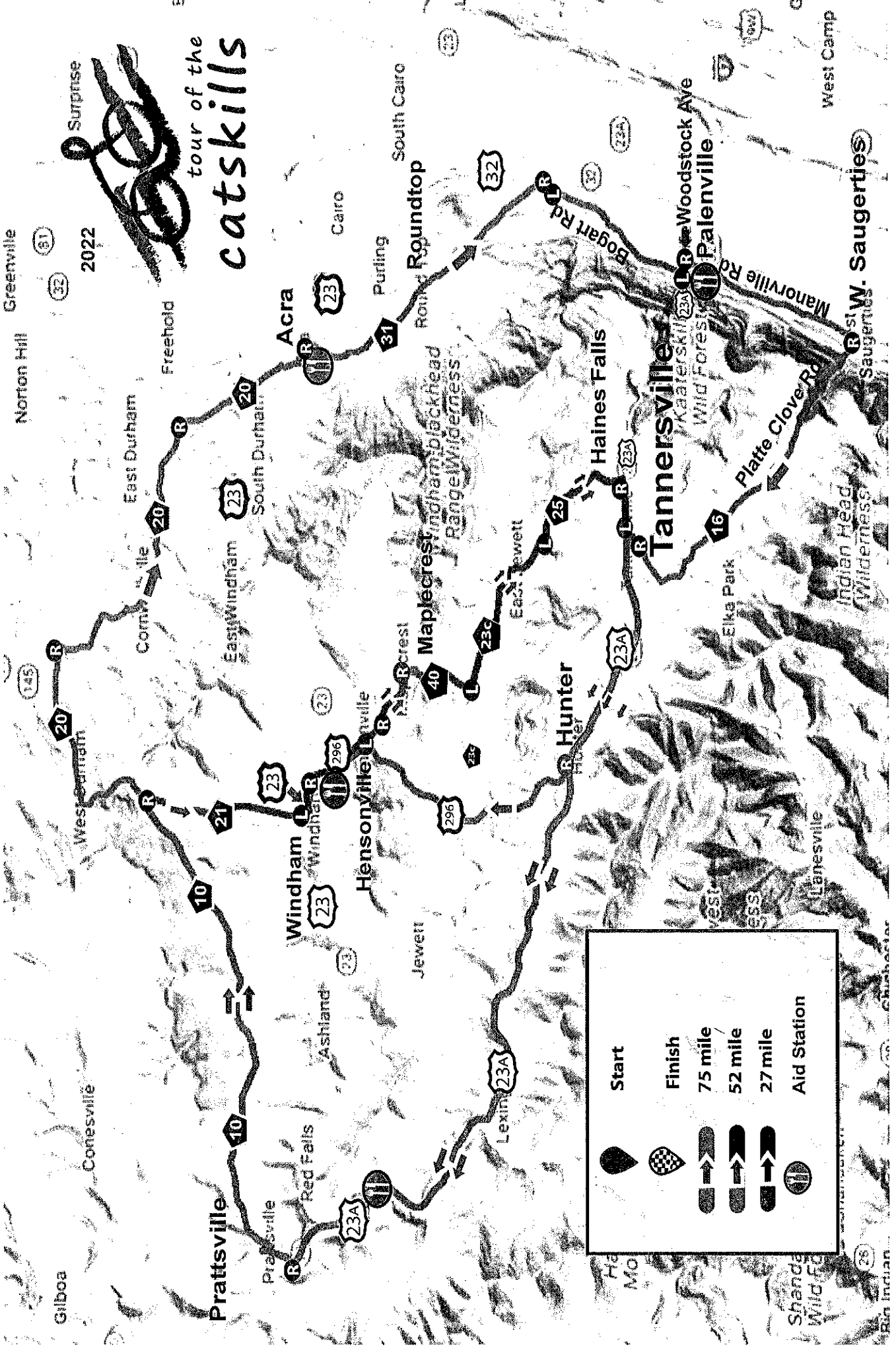
Sincerely,  
Dieter Drake  
Event Director

*Great American*  
★  
CYCLING SERIES



tour of the  
**catskills**

2022 Surprise



	Start
	Finish
	75 mile
	52 mile
	27 mile
	Aid Station

# Rivers Electric LLC

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FERC Project No. P-9985

June 18, 2023

**RE: Mill Pond Hydroelectric Project**  
**FERC Project NO. 9985**  
**Final License Amendment Application**

To Whom It May Concern,

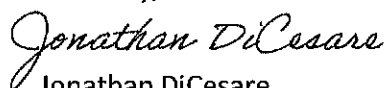
The Licensee of the Mill Pond Hydroelectric Project (P-9985), Rivers Electric, LLC (Rivers Electric), is pleased to have submitted a non-capacity license amendment application on July 14<sup>th</sup>, 2023. This application can be found on the FERC eLibrary (Accession Number: 20230714-5199), and will be publicly available at <https://dichotomypower.com/license-applications/> later this week.

Rivers Electric puts forth this application to retain the economic viability of the Project and reliably generate renewable electricity for New York State. The Licensee proposes to replace the 120-year-old turbine with a modern design. This new turbine would have a lower hydraulic capacity than the existing unit and would facilitate significant gains in efficiency, lower-operating costs, and increased reliability.

Since the submittal of the Draft License Amendment Application, Clear Energy Hydro LLC has been purchased by Elevate Power LLC, the current operator of Mill Pond; all references to "Clear Energy Hydro" have been changed to "Elevate Power" to reflect new operational management. The Licensee remains the same.

If you have any questions regarding this submittal, please don't hesitate to contact me at (518) 657-9012, or via email at [jd@elevatepower.com](mailto:jd@elevatepower.com).

Sincerely,



Jonathan DiCesare

Rivers Electric LLC

Regulatory Manager

Elevate Power, LLC 230

Park Ave. Suite 307 New

York, NY 10017



**RESOLUTION IN OPPOSITION TO NEW YORK STATE SENATE BILL S-00139B and  
ASSEMBLY BILL A-1358B**

WHEREAS, New York Senate Bill number S-00139B has been passed which, if adopted by the NYS Assembly (A 1358-B) and signed by the Governor, would require all Judges presiding in the 100 largest Town and Village Courts to be licensed to practice law in the State and to have been admitted to the NYS Bar for at least five years; and

WHEREAS, The Town and Village Courts in Greene County are among the nearly 1,200 Justice Courts in the State of New York that collectively handle close to 1 million cases each year; and

WHEREAS, The Town and Village Courts are known as the "Courts Closest to the People" and have broad jurisdiction, presiding over civil and criminal matters, thereby performing a vital role in the New York State Unified Court System; and

WHEREAS, The Town Court of Catskill is a vital service to our residents and the Greene County community as a whole; and

WHEREAS, The Justices in Greene County's Town and Village Courts have pledged to be ever mindful of their neutrality and impartiality, and render equal justice to all, while continually adhering to judicial rules of ethics and pronouncements of the New York State Commission on Judicial Conduct; and

WHEREAS, The Justices are required to be on-call 24 hours a day, 365 days a year to review/sign arrest and search warrants, perform arraignments, and issue orders of protection; and

WHEREAS, The Justices of Town and Village Courts ensure that the rights afforded to defendants by the Constitutions of the United States and the State of New York are provided and protected; and

WHEREAS, The Justices of Town and Village Courts preside over trials involving misdemeanor and violation level offenses, thereby ensuring that the victims of those offenses can be heard; and

WHEREAS, The Town and Village Courts provide a venue for Citizens to pursue a low-cost and efficient procedure for individuals to resolve civil disputes and landlord/tenant matters; and

WHEREAS, the Justices also preside nightly and on weekends and holidays, ensuring that arrested citizens are promptly afforded legal representation, the opportunity to plead to alleged charges, and to be considered for release, bail, or incarceration; and

WHEREAS, the Justices continually strive to improve the administration of justice through participation in mandatory education programs, seminars, meetings of the Greene County Magistrates Association and the New York State Magistrates Association; and

WHEREAS, The New York State Office of Court Administration must certify all as having successfully completed mandatory training both following election and in each subsequent year; and

WHEREAS, The New York State's Commission on Judicial Conduct's most recent annual report (2023) identifies that only 13% of the complaints filed against the judiciary were against Town and Village judges while the remaining complaints were against either "State-paid" judges, (constituting approximately 40% of the judiciary) who accounted for approximately 67% of the complaints received, or against non-judicial entities (20%); and

WHEREAS, This Bill attempts to usurp the right of voters to elect those in their communities that they believe to be fair and impartial, and who would best serve that community, whether they be attorneys or non-attorneys; and

WHEREAS, This Bill implicitly suggests that members of a community are incapable of making informed decisions about who should sit in judgment of matters from the straightforward to the highly complex as may arise in their local courts; and

WHEREAS, this legislative body views the intention of this Bill is not to actually improve the courts, but a blatant and unconscionable attempt by the New York State Bar Association, an organization that represents approximately only fifteen percent (15%) of the State's attorneys, to generate increased opportunities for its members, and to dictate who voters may choose to serve in our local governments;

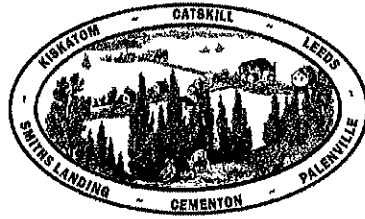
NOW THEREFORE, BE IT RESOLVED, That the Governing board of the Town of Catskill strongly, and in unequivocal terms, calls on both the leadership in the New York State Senate and Assembly, and the Governor to reject this poorly conceived and hastily fashioned seizure of voters' rights to determine, for themselves, who they would choose to sit as their judges as has been the case for almost two hundred years.

Adopted by unanimous consent this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

Signed.

Title.

Established 1788  
**Town of Catskill**



Hon. William R. Jacobs

Hon. Richard C. Paolino Jr.

---

Town of Catskill  
Council Members  
439 Main Street  
Catskill, NY 12414

June 27, 2023

Dear Board Members,

I am requesting authorization for the two Court Justices to attend an annual conference and training session in Syracuse from October 1, 2023, to October 4, 2023, for the purpose of obtaining new and updated material and training. I believe it would be beneficial to us, the court and to the Town of Catskill.

The funds for this exist in the Justice Court training budget for the year 2023.

. Registration fee for this conference is \$75.00, the cost for the room is \$1189.02, mileage and the cost of some meals. Registration is due by August 24, 2023.

Please advise me of your decision ASAP as so I can start the registration process.

Respectfully,

Hon. William R. Jacobs, Town Justice

441 Main Street, Catskill, New York 12414  
Office (518) 943-2141 \*2  
Fax (518) 943-7652  
catskilltowncourt@nycourts.gov

TOWN OF CATSKILL RESOLUTION # \_\_\_\_\_

Authorization for the Court Justices to attend the Annual NYS Magistrates Conference

WHEREAS, the Town Justices have informed the Town Board of their desire to attend the New York State Magistrates Association Annual Conference, held from October 1 to October 4, 2023 at the Marriott Syracuse Downtown, Syracuse, NY.

WHEREAS, Section 77-b of the New York State General Municipal Law Section 77-b of the General Municipal Law authorizes the governing board of any municipality, by majority vote, to authorize any of its members, any officer or employee, or any other person who has been elected pursuant to law to a public office for which the term has not commenced, to attend a conference as defined in Section 77-b(c). The authorization must be by resolution adopted prior to such attendance (General Municipal Law §77-b [2]). The governing board, however, may delegate its power to authorize attendance to any executive officer or administrative board.

WHEREAS, Subdivision 3 of section 77-b provides that all actual and necessary registration fees, all actual and necessary expenses of travel, meals and lodging and all necessary tuition fees incurred in connection with attendance at a conference shall be a charge against the municipality and the amount thereof shall be audited, allowed and paid in the same manner as are other claims against the municipality.

WHEREAS, the efficient operation of the Town of Catskill Court requires regular, updated training in current practices and procedures, now therefore

BE IT RESOLVED, in accordance with the New York State General Municipal Law, Section 77-b and the Town of Catskill Employment Practices Manual, Section 3.6, the Town of Catskill Board does hereby authorize the Town Justices to attend the annual New York State Magistrates Conference.

Motion to Accept Resolution # \_\_\_\_\_ by \_\_\_\_\_

Motion Second to Accept Resolution# \_\_\_\_\_ by \_\_\_\_\_

BOARD MEMBER	AYE	NAY	ABSTAIN/ABSENT
Dale Finch, Super.			
Patrick McCulloch			
Paul Vosburgh			
Jared Giordiano			
Dawn Scannapieco			

MOTION CARRIED \_\_\_\_\_ MOTION DEFEATED \_\_\_\_\_, 2023

To: Town Clerk  
From: William R Jacobs, Town Justice  
Re: Application for funding from the Justice Court Assistance Program  
Date: \_\_\_\_\_

---

The Town Court is requesting authorization from the Town Board to apply for funding from the Justice Court Assistance Program during the upcoming grant cycle. One required component of that application is a Resolution from the Town Board authorizing the Town Court to apply for this funding.

**The Division of Professional and Court Services will not accept the court's application unless the Resolution incorporates one of the following two options EXACTLY as written below:**

Option # 1

"The Board of the Town of \_\_\_\_\_ Name of Town \_\_\_\_\_ authorizes the \_\_\_\_\_ Name of Town \_\_\_\_\_ Town Court to apply for a JCAP grant in the 2023-24 grant cycle up to \$30,000.00."

Option # 2

~~"The Board of the Town of \_\_\_\_\_ Name of Town \_\_\_\_\_ authorizes the \_\_\_\_\_ Name of Town \_\_\_\_\_ Town Court to apply for a JCAP grant in the 2023-24 grant cycle up to \$ \_\_\_\_\_ Amount Requested \_\_\_\_\_."~~

While the Resolution may include one or more "WHEREAS" clauses, it is essential that the "Be it RESOLVED" portion of the Town Board's resolution be worded exactly as one of the options indicated above (with the addition of the name of the Town inserted as shown above in both options and with the addition of the amount requested as shown above in the second option).

In addition, the Board Resolution must be certified.

**The deadline for our application is Friday, October 13, 2023.**

Thank you for your attention to this matter and for your help with the Court's application.

**Chapter 51**  
**PLANNED DEVELOPMENT DISTRICTS**

**§ 51-01. Planned development districts.**

- A. Purpose and objectives. A planned development district (hereafter termed "PDD") promotes and provides for innovative, efficient, and flexible residential use, ~~commercial, industrial or other land uses, or a mix thereof,~~ to achieve economies of scale, creative architectural or planning concepts, and preservation consistent with the Town's Comprehensive Plan and zoning laws. A PDD may permit the development of property in a manner that this chapter may not otherwise allow in the zoning district(s) in which the property is located, but which serve to conserve municipal resources and preserve the rural character in accordance with best practices and the Town Comprehensive Plan.
- B. PDDs.
- (1) This article sets forth the exclusive procedures required to establish a PDD.
  - (2) The Town Board ("Town Board"), after appropriate review and recommendations from the Planning Board, shall have the sole authority to enact legislation establishing a PDD.
  - (3) The establishment of a PDD has the effect of amending the Zoning Map with respect to the property approved for the PDD so that the conditions, restrictions and terms in the legislation establishing a PDD replace the zoning regulations for the underlying zone.
  - (4) The Town Board shall not establish a PDD for an area consisting of an existing single lot if the granting of an area variance and/or a special use permit could allow the use that the applicant proposes for the PDD.
  - (5) The establishment of a PDD shall not imply that the Town Board will establish any other PDD.
  - (6) An applicant may propose, and the Town Board may establish, a PDD in ~~any~~the R/A zoning district.
  - (7) An applicant may propose, and the Town Board may establish, a PDD for an area that includes more than one zoning district.
  - (8) The legislation establishing a PDD shall be binding on all owners, future owners, tenants, and future tenants in the PDD
  - (9) An applicant proposing a PDD that includes a subdivision is exempt from the procedures set forth in Chapter 140 of this code.

**§ 51-02. Baselines and Deviations.**

- A. For the purpose of this article, a “baseline” shall be a measurement from which an applicant seeks a deviation.
- B. A PDD shall have a baseline of at least ~~7,000 contiguous square feet of land~~ 10 acres.
- C. For the purpose of this article, the minimum lot width, minimum lot area, minimum yard dimensions, and maximum height baselines shall be those set forth in Chapter 160 of this code for the zoning district(s) in which the PDD is proposed. However, baseline front, side and rear yard requirements shall apply only to the lot lines of the proposed PDD project site, and not to adjoining property not subject to the PDD application.
- D. The Town Board may allow a PDD applicant to deviate from one or more baseline requirements if the Town Board deems that the applicant has made a good faith effort to meet the purpose and objectives of this article, and the applicant additionally proposed community benefits acceptable to the Town Board as part of the application. The following are nonexclusive examples of community benefits:
  - (1) The inclusion of public recreational facilities, pedestrian amenities, other community facilities, or a combination thereof.
  - (2) Integration of publicly accessible open space.
  - (3) Enhancements to the Town’s publicly accessible park(s).
  - (4) Use of energy-efficient construction techniques and environmental conservation methods, including, but not limited to, pervious pavement, solar panels, geothermal heating systems, green infrastructure approaches (including green roofs), and low-impact development (LID) principles and practices and EV charging stations.
  - (5) Designation of a minimum percentage of total residential units as “affordable,” as the United States Department of Housing and Urban Development defines that term.
- E. The applicant can propose community benefits, and the board shall consider, for property not subject to the PDD application.
- F. The legislation establishing a PDD shall set forth the permitted baseline deviations.

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**§ 51-03. PDD Application Procedures and Review.**

A. Pre-application conference.

- (1) Prospective applicants considering a PDD may request the Code Enforcement Officer/Zoning Enforcement Officer (“CEO/ZEO”) to schedule a pre-application conference with Town officials and representatives of departments or boards that may have jurisdiction concerning the application to discuss the proposed project informally, receive initial feedback and learn about the application process.
- (2) To expedite the pre-application conference, the applicant should be prepared to discuss the proposed PDD’s purpose, proposed geographic location, building locations, land use, open space, traffic circulation, parking, pedestrian walks, landscaping and utilities.
- (3) The pre-application conference shall not result in any decision regarding the proposal’s approvability, nor bind the Town Board concerning any decision with respect to the proposal.
- (4) Although discussions during the pre-application conference are not binding on the Town or the applicant, the applicant is encouraged to include in its application the information and materials suggested during the conference.

B. Application.

- (1) An applicant for a zoning change to a PDD shall file with the CEO/ZEO an application, signed by the applicant or the applicant’s authorized representative or agent, and the nonrefundable application fee in accordance with the Standard Schedule of Fees of the Town.
- (2) The application shall provide sufficient information concerning the proposal to enable the Town Board to decide whether the proposal has merit and whether to allow the application to proceed, and shall contain the following:
  - (a) A preliminary sketch (and any other visual aids or photographs) showing the PDD’s proposed geographic location, building locations, land use, open space, traffic circulation, parking, pedestrian walks, landscaping and utilities.
  - (b) A written statement identifying or explaining the following:
    - i. The applicant(s), including a description of the applicant’s experience and expertise in similar projects, whether or not within a PDD.



- ii. The parcel(s) sought to be included in the PDD, including the current owner(s) of the parcel(s) and the current structures and uses on the parcel(s).
  - iii. The purpose of the proposed PDD, including the type of any residential and nonresidential development.
  - iv. The differences between the proposal and what the current provisions of this chapter otherwise permit.
  - v. Any proposed subdivision.
  - vi. Any desired baseline deviation.
  - vii. Any proposed community benefit.
  - viii. Any proposed demolition.
  - ix. How the proposal would benefit the neighborhood in which it is proposed and the Town as a whole.
  - x. Proof of the applicant's ownership or control in the property to be included in the PDD, or evidence that a single entity, or multiple property owners who will have joined in the application, will own or control the PDD's entire area before the Town Board establishes the PDD.
  - xi. Information concerning the applicant's financial ability to complete the proposed PDD project.
- (3) The Town Board can either allow the application to proceed, request the applicant to provide additional information, or reject the application. If, after a request, the applicant provides additional information, the Town Board can thereafter allow the application to proceed or reject the application. If rejected, no further action shall occur concerning the application.
- (4) If the Town Board allows the application to proceed, the applicant, after depositing the consultant fees which may be established by the town as set forth below, can initiate a Planning Board preliminary review.

~~C. Consultant Fees:~~

- ~~(1) If the Town board allows the application to proceed, it shall specify the required initial amount, if any, of consultant fees that the applicant must deposit with the Town for the application to proceed.~~

- ~~(2) The Town shall deposit the consultant fees into an escrow account established for the project for the sole purpose of paying the costs and fees of the consultant(s) that the Town retains to review the PDD proposal.~~
- ~~(3) Such consultants may include planners, engineers, attorneys or other experts and/or professionals retained to review the applicant's plans, maps, studies, agreements, environmental assessment forms, environmental impact statements and all other proceedings required by the Town Board, the Planning Board, or this chapter. Choice of consultant shall be at the Town's sole discretion. Consultants will only be used for analysis and advice on areas that are not within the expertise of the Town.~~
- ~~(4) The Town Board shall base consultant fees on the specific fee schedule(s) of the particular consultant(s) retained as well as the scope of services that such consultant(s) will provide.~~
- ~~(5) Additional deposits may be required as the review process continues.~~
- ~~(6) The Town Board and Planning Board shall coordinate to identify an escrow amount necessary to conduct their respective reviews.~~
- ~~(7) The consultant(s) retained shall provide the Town Board with detailed invoices showing the service rendered for the time period billed, and the Town Board shall provide the applicant with an opportunity to review the invoices prior to payment. The Town shall notify the applicant if the escrow account balance falls below the amount that the Town Board specified. On such notification, the applicant shall promptly replenish the funds to the balance that the Town Board specified. The Town will take no further action on the application until the applicant deposits the required funds with the Town.~~
- ~~(8) At the conclusion of the application process, the Town shall promptly return any sums held in escrow that exceed the invoiced expenditures.~~

D.C. Planning Board preliminary review and recommendations.

- (1) The preliminary review shall not constitute a formal application under Chapter 160 of this code and the Planning Board cannot grant any approval based on it.
- (2) The submission materials should be sufficiently complete and comprehensive with respect to the particular PDD project proposed to enable the Planning Board to conduct the preliminary review.
- (3) An applicant initiates a preliminary review by filing with the CEO/ZEO one original and 10 copies of a request, signed by the applicant or the applicant's authorized representative or agent, accompanied by the following:

- (a) A written assessment of how the proposed PDD is consistent or compatible with the overall character of the surrounding area, neighborhood and Town; if not consistent or compatible, the reasons why and what measures are included in the PDD proposal to enhance compatibility or mitigate incompatibility.
  - (b) A written description of the proposed uses.
  - (c) A sketch plan drawn to approximate scale generally depicting the information set forth in § 160-20(B) of this code.
  - (d) A written description of the proposed ownership of the post-development PDD, including a description of organization(s) intended to own, maintain and manage common areas, commercial space, residential units, and infrastructure improvements and whether the applicant or future owner(s) plans to offer for sale or conveyance to third parties certain structures or parcels within the PDD.
  - (e) Density calculations and explanations of any proposed baseline deviation.
  - (f) A written description of proposed community benefits if seeking a baseline deviation.
  - (g) A phasing plan, if any, including timing of phases, proposed offers of dedication of land, public area improvements and/or easements.
  - (h) A full environmental assessment form (EAF) pursuant to SEQRA concerning the proposed PDD and the proposed development's design elements.
- (4) Planning Board meetings and recommendations.
- (a) The Planning Board shall consider the preliminary review request and provide the Town Board with its recommendation as to whether or not it should approve the proposed PDD, together with any issues or concerns the Planning Board has regarding any aspect of the proposed PDD. The

Planning Board may engage consultants to assist in its recommendations, at the expense of the applicant, in accordance with D(3) of this section.

- (b) The applicant shall attend the initial Planning Board meeting in order to explain the proposal and answer any questions the Planning Board may have. The applicant shall attend additional Planning Board meetings if deemed necessary by the Planning Board.

E.D. Consultant Fees.

~~(9)~~(1) If the Town board allows the application to proceed, it shall specify the required initial amount, if any, of consultant fees that the applicant must deposit with the Town for the application to proceed.

~~(10)~~(2) The Town shall deposit the consultant fees into an escrow account established for the project for the sole purpose of paying the costs and fees of the consultant(s) that the Town retains to review the PDD proposal.

~~(11)~~(3) Such consultants may include planners, engineers, attorneys or other experts and/or professionals retained to review the applicant's plans, maps, studies, agreements, environmental assessment, forms, environmental impact statements and all other proceedings required by the Town Board, the Planning Board, or this chapter. Choice of consultant shall be at the Town's sole discretion. Consultants will only be used for analysis and advice on areas that are not within the expertise of the Town.

~~(12)~~(4) The Town Board shall base consultant fees on the specific fee schedule(s) of the particular consultant(s) retained as well as the scope of services that such consultant(s) will provide.

~~(13)~~(5) Additional deposits may be required as the review process continues.

~~(14)~~(6) The Town Board and Planning Board shall coordinate to identify an escrow amount necessary to conduct their respective reviews.

~~(15)~~(7) The consultant(s) retained shall provide the Town Board with detailed invoices showing the service rendered for the time period billed, and the Town Board shall provide the applicant with an opportunity to review the invoices prior to payment.

The Town shall notify the applicant if the escrow account balance falls below the amount that the Town Board specified. On such notification, the applicant shall promptly replenish the funds to the balance that the Town Board specified. The Town will take no further action on the application until the applicant deposits the required funds with the Town.

(+6)(8) At the conclusion of the application process, the Town shall promptly return any sums held in escrow that exceed the invoiced expenditures.

**§ 51-04. Town Board Action.**

- A. The Town Board shall commence its consideration of the PDD application after it receives both the Planning Board's recommendation on approvability.
- B. The Town Board shall consider the Planning Board's recommendations on approvability, but need not follow it. However, if the Planning Board recommends the PDD application's denial, the Town Board can deny the application without a public hearing or SEQRA review.
- C. The Town Board shall be responsible for initiating the SEQRA process.
- D. The Town Board shall schedule a public hearing on the proposed zone change of the property to the proposed PDD in the same manner as a local law.
- E. The Town Board may schedule the public hearing prior to completion of the SEQRA process if the lead agency finds that the public hearing may assist in its environmental review.
- F. Notice of the public hearing shall conform to the requirements set forth in § 160-20(C) of this code and General Municipal Law § 239-m, shall be followed.
- G. The Town Board shall decide whether to grant approval of the proposed PDD pursuant to the reasonable terms, conditions and requirements it deems appropriate.
  - (1) The Town Board shall make its decision within 62 days after the close of the public hearing.
  - (2) If the lead agency issued a positive declaration in accordance with SEQRA, the PDD procedural time frames specified herein shall be suspended until the applicant submits a draft environmental impact statement ("DEIS") and the lead agency accepts the DEIS as complete.
    - (a) Upon the lead agency's acceptance of a DEIS, the public hearing and comment period on the DEIS and PDD application may be coordinated and run concurrently.
    - (b) Under a positive declaration, the Town Board shall make no decision regarding the approvability of the PDD proposal until the lead agency completes the environmental impact statement process and issues a SEQRA statement of findings in accordance with SEQRA.

H. In rendering its decision on whether to disapprove or to grant approval of the proposed PDD, the Town Board may consider the following guidelines in addition to other factors the Town Board considers relevant:

- (1) The Town Comprehensive Plan.
- (2) The need for, or suitability of, the proposed land uses in the subject location.
- (3) The compatibility of the proposed PDD with the surrounding area or neighborhood and the existing uses located on properties adjacent to the proposed PDD.
- (4) The safeguards provided or conditions required that would minimize possible detrimental effects of impacts that the proposed PDD may have on environmental resources, adjacent properties, and the surrounding area in general and the Town at large.
- (5) Adequacy of drainage, water supply and sewage disposal facilities, traffic access, traffic circulation, and municipal services that may be required.
- (6) Whether the proposed PDD will further the general welfare of Town residents with sufficient protection for the health and safety of Town residents.
- (7) Whether the Town can expect a positive or beneficial increase in the tax base when compared with the cost of municipal services, including, but not limited to, emergency responses and roads that it would provide.

I. The Town Board, as part of its decision and approval of the proposed PDD, may set forth conditions that are reasonably related and incidental to the proposed project, to the mitigation of potential impacts and/or in furtherance of the guidelines set forth above or others specified in rendering its decision.

J. The Town Board's approval shall be in the form of legislation establishing the PDD.

**§ 51-05. Site Plan Review; Application for a Certificate of Appropriateness; Security; and Failure to Construct.**

A. After the PDD is established, the applicant ~~may apply~~ must obtain site plan approval from the Planning Board ~~for approval of a site plan~~ in accordance with Chapter 160 of this code.

- (1) The applicant shall submit to the CEO/ZEO one original and 10 copies of the application signed by the applicant or the applicant's authorized representative or agent.

- (2) In addition to all other requirements set forth in Chapter 160 of this code, the application shall include the following:
- (a) A drawing, of one or more sheets, prepared to a scale of not less than one inch to 100 feet, showing accurately and with complete dimensioning the following:
    - i. The boundaries and total acreage of the PDD's entire area.
    - ii. The location of environmental features of land comprising the proposed PDD, including, but not limited to, wetland areas, bays, streams and drainageways; tree stands and hedgerows; topography (using contour intervals of not more than 10 feet), and any other existing natural features, with identification of what is to be preserved and/or removed.
    - iii. The location and description of all of the PDD's existing non-natural features and of all properties adjacent to the PDD, including land uses, structures, driveways or streets, wells, sidewalks, easements and common open areas, with identification of what the applicant intends to maintain, alter, demolish, and/or remove.
    - iv. The layout of the proposed development, including the location, areas and dimensions of proposed uses, structures, signage, lighting, access and internal roads; parking areas and spaces; water and sewer system facilities and laterals; and all other proposed site development features.
    - v. The location, area and features of each development phase if the applicant proposes to construct the development in phases.
  - (b) Proposed architectural drawings and guidelines applicable for all structures and signage proposed within the PDD, and a general narrative description of the type of architecture proposed and how it compares to the existing architectural features of nearby areas.
  - (c) A complete plan of the significant landscape features, including buffer areas, screening and aesthetic features.
  - (d) Stormwater drainage plan with supporting engineering documentation regarding the sufficiency of existing receiving channels or areas and/or mitigation measures.
  - (e) Traffic studies and plans.
  - (f) Parking and circulation plans.

- (g) Lighting plan.
  - (h) Utility plan and report establishing either that capacity exists for the PDD or the required improvements proposed.
- (3) The Planning Board shall not approve a final site development plan unless and until a single entity, or multiple property owners who have joined in the application, owns or controls the PDD's entire area.
- (4) Construction of the PDD development shall not commence unless and until the Planning Board has approved the final site plan and the CEO/ZEO has issued a building permit.
- B. To ensure the full and faithful completion of all land development activities in compliance with the conditions of the PDD approval and the approved site plan, or restoration of the land if the PDD project is not completed, the CEO/ZEO shall not issue a zoning permit until the applicant has filed adequate security with the Town Clerk.
- (1) The security shall be in an amount that the Town Board determines after consultations with the Planning Board, the CEO/ZEO, the Town Attorney, and other appropriate parties.
  - (2) The security may be a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution that guarantees satisfactory completion of the project and restoration of the land if the project is not completed, and names the Town as the beneficiary.
- C. Physical construction must begin within one year from the date on which the CEO/ZEO issued a zoning permit. If it has not, and the Town Board has not granted an extension, the legislation establishing the PDD shall expire and the subject property shall revert to the underlying zoning district(s) and associated regulations in existence prior to the legislation that established the PDD.
- (1) An applicant or the current owner(s) of the property subject to the PDD can apply to the Town Board, no less than 60 days before the legislation establishing the PDD would otherwise expire, for additional time to commence construction.
  - (2) The extension application must demonstrate that substantial grounds exist that prevented the construction.
  - (3) The Town Board may grant the extension based on the original SEQRA determination and without a public hearing.

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(4) If the Town Board grants the extension, and physical construction has not begun before the extension's expiration, the legislation establishing the PDD shall expire and the subject property shall revert to the underlying zoning district(s) and associated regulations in existence prior to the legislation that established the PDD.

(4)(5) Up to two extensions may be granted of up to six months for each.

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**§ 51-06. Mobile Homes.**

All applications for ~~mobile homes~~, mobile home parks or courts, and for ~~mobile home subdivisions~~ shall be considered to be PDD projects and subject to PDD procedures. In addition to the other requirements of this article, the Planning Board shall review the following specific elements during its preliminary review and its final site development plan review:

- A. Provisions for adequate water and sewer connections for each mobile home parking space or lot form a public system. The New York State Department of Health standards for public systems shall determine the requirements for adequacy.

## Code Revisions

1. Streets and Sidewalks. §138-18(G). Any road, street, or recorded or prescriptive right-of-way on or over private land which predates December 16, 2009, and which provides access to an existing residence or building or an approved subdivision shall not be required to comply with this section, except that any such road, street, or recorded or prescriptive right-of-way must be improved so as to allow emergency vehicle access before the issuance of a certificate of occupancy for any new construction requiring the use of said access. Up to three additional lots or residential units which otherwise comply with all sections of the Catskill Town Code may be created to front on such pre-existing private road, street, or recorded or prescriptive right-of-way. [Added 4-20-22 by L.L. No. 1-2022] The approval of four or more additional lots or residential units shall require compliance with §138-18(A)(B).

2. Subdivision, Zoning – Definitions.

LOT – A parcel of land occupied or designed to be occupied by one building and the accessory buildings or uses customarily incidental to it, including such open spaces as are arranged and designed to be used in connection with such buildings pursuant to Chapter 160, and which has frontage on a public or approved private street which provides access thereto, or in the case of a minor subdivision, on a driveway if otherwise in compliance with Section 140-18(12)(i).

SHARED DRIVEWAY – A driveway providing access for up to three lots, provided that each lot served by the shared driveway has 50 feet of frontage on or public or private road or is otherwise in compliance with Section 140-18(12)(i).

3. § 140-18 (12)(i).

In accordance with the requirements for establishing an open development area or areas found at Town Law 280-a(4), in R/A and MR zones, a buildable lot need not have frontage on a public or private road (a) if it has access to a public or private road by a recorded right-of-way subject to a maintenance agreement (b) there shall be no further subdivision of any lot without frontage on a public or private road, which shall be designated NOT TO BE FURTHER SUBDIVIDED on the survey map (c) only one single-family residence is permitted per lot (d) the use of the right-of-way shall be limited to three lots (e) no Certificate of Occupancy shall be issued unless any building constructed thereon have emergency vehicle access in accordance with state law and (f) no lot can be used to provide access to additional adjacent landowner, except in the case of a pre-existing right of way.

4. Solar Energy Systems. § 134B-9(8).

In all zones large scale solar energy systems are permitted only on open fields which have been mowed, plowed or otherwise cultivated within the last twenty four months.

5. § 140-11(N). Reservations of parkland on major subdivision plats containing residential units.

- (a) Before the planning board may approve a major subdivision plat containing residential units, such subdivision plat shall also show, when required by such board, a park or parks suitably located for playground or other recreational purposes. Said parks shall constitute a percentage of the overall subdivision as determined by resolution of the planning board.
- (b) Land for park, playground or other recreational purposes may not be required until the planning board has made a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the town. Such findings shall include an evaluation of the present and anticipated future needs for park recreational facilities in the town based on projected population growth to which the particular subdivision plat will contribute.
- (c) Said parkland shall be owned by the applicant or homeowner's association, to be utilized by the residents of the subdivision and their guests, unless the town, at its sole discretion, accepts said parkland for town ownership, and then said parkland shall be utilized by the public at the direction of the town board.
- (d) In the event the planning board makes a finding pursuant to paragraph (b) of this subdivision that the proposed subdivision plat presents a proper case for requiring that a park or parks suitably located for playgrounds or other recreational purposes, but that a suitable park or parks of adequate size to meet the requirement cannot be properly located on such subdivision plat, the planning board may require a sum of money in lieu thereof, in an amount established by resolution of the town board. In making such determination of suitability, the board shall assess the size and suitability of lands shown on the subdivision plat which could be possible locations for park or recreational facilities, as well as practical factors including whether there is a need for additional facilities in the immediate neighborhood. Any monies required by the planning board in lieu of land for park, playground or other recreational purposes, pursuant to the provisions of this section shall be deposited into a trust fund to be used by the town exclusively for park, playground or other recreational purposes, including the acquisition of the property.
- (e) Fees required pursuant to paragraph (c) of this subdivision shall be paid as a condition of approval for any preliminary plat.



## A quote for your consideration

Based on your business needs, we put the following quote together to help with your purchase decision. Below is a detailed summary of the quote we've created to help you with your purchase decision.

To proceed with this quote, you may respond to this email, order online through your **Premier page**, or, if you do not have Premier, use this **Quote to Order**.

<b>Quote No.</b>	<b>3000153613956.4</b>	<b>Sales Rep</b>	Lauren Watson
<b>Total</b>	<b>\$2,683.44</b>	<b>Phone</b>	(800) 456-3355, 80000
<b>Customer #</b>	40955562	<b>Email</b>	L_Watson@Dell.com
<b>Quoted On</b>	Jul. 19, 2023	<b>Billing To</b>	ACCOUNTS PAYABLE
<b>Expires by</b>	Aug. 18, 2023		CATSKILL PUBLIC LIBRARY
<b>Contract Name</b>	Dell NYS OGS Umbrella		1 FRANKLIN ST
	Contract PM20820		CATSKILL, NY 12414-1407
<b>Contract Code</b>	C000000005000		
<b>Customer Agreement #</b>	PM20820		
<b>Deal ID</b>	25909794		

### Message from your Sales Rep

Please contact your Dell sales representative if you have any questions or when you are ready to place an order. Thank you for shopping with Dell!

Regards,  
Lauren Watson

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### Shipping Group

<b>Shipping To</b>	<b>Shipping Method</b>
SAM ALDI CATSKILL PUBLIC LIBRARY 439 MAIN ST CATSKILL, NY 12414-1397 (518) 943-4230	Standard Delivery

Product	Unit Price	Quantity	Subtotal
OptiPlex Micro (7010)	\$1,009.64	2	\$2,019.28
Dell Micro AIO Stand – MFS22	\$87.09	2	\$174.18
Dell 27 Video Conferencing Monitor - C2723H, 68.47cm (27.0")	\$244.99	2	\$489.98

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<b>Subtotal:</b>	<b>\$2,683.44</b>
<b>Shipping:</b>	<b>\$0.00</b>
<b>Non-Taxable Amount:</b>	<b>\$2,683.44</b>
<b>Taxable Amount:</b>	<b>\$0.00</b>
<b>Estimated Tax:</b>	<b>\$0.00</b>
<hr/>	
<b>Total:</b>	<b>\$2,683.44</b>

## Shipping Group Details

### Shipping To

SAM ALDI  
CATSKILL PUBLIC LIBRARY  
439 MAIN ST  
CATSKILL, NY 12414-1397  
(518) 943-4230

### Shipping Method

Standard Delivery

	Quantity	Subtotal
<b>OptiPlex Micro (7010)</b>	<b>2</b>	<b>\$2,019.28</b>
Estimated delivery if purchased today: Aug. 03, 2023 Contract # C000000005000 Customer Agreement # PM20820		

Description	SKU	Unit Price	Quantity	Subtotal
13th Gen Intel Core i5-13500T (6+8 Cores/24MB/20T/1.6GHz to 4.6GHz/35W)	338-CHBX	-	2	-
Windows 11 Pro, English, Spanish, French, Brazilian Portuguese	619-ARSB	-	2	-
No Microsoft Office License Included	658-BCSB	-	2	-
16GB (1x16GB) DDR4 Non-ECC Memory	370-AFWB	-	2	-
M.2 2280 512GB PCIe NVMe Class 40 Solid State Drive	400-BOQF	-	2	-
Thermal Pad for Micro	412-AAZO	-	2	-
M2X3.5 Screw for SSD/DDPE	773-BBBC	-	2	-
Micro with 35W CPU L5.5 FSJ local build	329-BHPX	-	2	-
US Power Cord	450-AAZN	-	2	-
Intel(R) AX211 Wi-Fi 6E 2x2 and Bluetooth 5.3	555-BHDX	-	2	-
Internal Antenna	555-BHDV	-	2	-
Wireless Driver, Intel(R) WIFI 6e AX211 2x2 (Gig+) + Bluetooth 5.3	555-BHIO	-	2	-
No Additional Video Ports	492-BCKH	-	2	-
Dell Pro Wireless Keyboard and Mouse - KM5221W - English - Black	580-AJJG	-	2	-
Mouse included with Keyboard	570-AADI	-	2	-
No Cover Selected	325-BCZQ	-	2	-
Dell Additional Software	658-BFPY	-	2	-
ENERGY STAR Qualified	387-BBLW	-	2	-
Dell Watchdog Timer	379-BEZX	-	2	-
Quick Start Guide, OptiPlex Micro	340-DDHG	-	2	-
Trusted Platform Module (Discrete TPM Enabled)	329-BBJL	-	2	-
Shipping Material	340-CQYN	-	2	-
Shipping Label	389-BBUU	-	2	-
FSJ Reg label 90W adaptor	389-FBSN	-	2	-
Intel Rapid Storage Technology Driver MFF	658-BFQK	-	2	-
Intel Core i5 vPro Essentials Processor Label	340-CYUO	-	2	-
Desktop BTO Standard shipment	800-BBIO	-	2	-
Custom Configuration	817-BBBB	-	2	-
OptiPlex Micro (7010)	210-BFXQ	-	2	-

Internal Speaker	520-AAVE	-	2	-
Intel vProEssentials	631-ADQJ	-	2	-
CrowdStrike Endpoint Prot Ent,Prevent Insight,EDR XDR,Device Ctrl,ThreatGraph,Essential Support 1yr	634-CCLH	-	2	-
No Option Included	340-ACQQ	-	2	-
90 Watt A/C Adapter	450-ALFO	-	2	-
Dell Limited Hardware Warranty Plus Service	803-8583	-	2	-
ProSupport Plus: Accidental Damage Service, 3 Years	803-8774	-	2	-
ProSupport Plus: Keep Your Hard Drive, 3 Years	803-8802	-	2	-
ProSupport Plus: Next Business Day Onsite, 3 Years	803-8830	-	2	-
ProSupport Plus: 7x24 Technical Support, 3 Years	803-8886	-	2	-
Thank you for choosing Dell ProSupport Plus. For tech support, visit www.dell.com/contactdell or call 1-866-516-3115	997-8367	-	2	-
No Accidental Damage Selected	981-4619	-	2	-
EPEAT 2018 Registered (Gold)	379-BDZB	-	2	-

<b>Quantity</b>	
<b>Subtotal</b>	

**Dell Micro AIO Stand – MFS22**  
 Estimated delivery if purchased today:  
 Jul. 25, 2023  
 Contract # C000000005000  
 Customer Agreement # PM20820

<b>\$87.09</b>	<b>2</b>	<b>\$174.18</b>
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Description	SKU	Unit Price	Quantity	Subtotal
Dell Micro AIO Stand – MFS22	452-BDUB	-	2	-

<b>Quantity</b>	
<b>Subtotal</b>	

**Dell 27 Video Conferencing Monitor - C2723H, 68.47cm (27.0")**  
 Estimated delivery if purchased today:  
 Jul. 24, 2023  
 Contract # C000000005000  
 Customer Agreement # PM20820

<b>\$244.99</b>	<b>2</b>	<b>\$489.98</b>
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Description	SKU	Unit Price	Quantity	Subtotal
Dell 27 Video Conferencing Monitor - C2723H, 68.47cm (27.0")	210-BDRN	-	2	-
Dell Limited Hardware Warranty	814-5380	-	2	-
Advanced Exchange Service, 3 Years	814-5381	-	2	-

<b>Subtotal:</b>	<b>\$2,683.44</b>
<b>Shipping:</b>	<b>\$0.00</b>
<b>Estimated Tax:</b>	<b>\$0.00</b>

<b>Total:</b>	<b>\$2,683.44</b>
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## Important Notes

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### Terms of Sale

This Quote will, if Customer issues a purchase order for the quoted items that is accepted by Supplier, constitute a contract between the entity issuing this Quote ("Supplier") and the entity to whom this Quote was issued ("Customer"). Unless otherwise stated herein, pricing is valid for thirty days from the date of this Quote. All product, pricing and other information is based on the latest information available and is subject to change. Supplier reserves the right to cancel this Quote and Customer purchase orders arising from pricing errors. Taxes and/or freight charges listed on this Quote are only estimates. The final amounts shall be stated on the relevant invoice. Additional freight charges will be applied if Customer requests expedited shipping. Please indicate any tax exemption status on your purchase order and send your tax exemption certificate to [Tax\\_Department@dell.com](mailto:Tax_Department@dell.com) or [ARSalesTax@emc.com](mailto:ARSalesTax@emc.com), as applicable.

**Governing Terms:** This Quote is subject to: (a) a separate written agreement between Customer or Customer's affiliate and Supplier or a Supplier's affiliate to the extent that it expressly applies to the products and/or services in this Quote or, to the extent there is no such agreement, to the applicable set of Dell's Terms of Sale (available at [www.dell.com/terms](http://www.dell.com/terms) or [www.dell.com/oemterms](http://www.dell.com/oemterms)), or for cloud/as-a-Service offerings, the applicable cloud terms of service (identified on the Offer Specific Terms referenced below); and (b) the terms referenced herein (collectively, the "Governing Terms"). Different Governing Terms may apply to different products and services on this Quote. The Governing Terms apply to the exclusion of all terms and conditions incorporated in or referred to in any documentation submitted by Customer to Supplier.

**Supplier Software Licenses and Services Descriptions:** Customer's use of any Supplier software is subject to the license terms accompanying the software, or in the absence of accompanying terms, the applicable terms posted on [www.Dell.com/eula](http://www.Dell.com/eula). Descriptions and terms for Supplier-branded standard services are stated at [www.dell.com/servicecontracts/global](http://www.dell.com/servicecontracts/global) or for certain infrastructure products at [www.dell.com/en-us/customer-services/product-warranty-and-service-descriptions.htm](http://www.dell.com/en-us/customer-services/product-warranty-and-service-descriptions.htm).

**Offer-Specific, Third Party and Program Specific Terms:** Customer's use of third-party software is subject to the license terms that accompany the software. Certain Supplier-branded and third-party products and services listed on this Quote are subject to additional, specific terms stated on [www.dell.com/offeringspecificterms](http://www.dell.com/offeringspecificterms) ("Offer Specific Terms").

**In case of Resale only:** Should Customer procure any products or services for resale, whether on standalone basis or as part of a solution, Customer shall include the applicable software license terms, services terms, and/or offer-specific terms in a written agreement with the end-user and provide written evidence of doing so upon receipt of request from Supplier.

**In case of Financing only:** If Customer intends to enter into a financing arrangement ("Financing Agreement") for the products and/or services on this Quote with Dell Financial Services LLC or other funding source pre-approved by Supplier ("FS"), Customer may issue its purchase order to Supplier or to FS. If issued to FS, Supplier will fulfill and invoice FS upon confirmation that: (a) FS intends to enter into a Financing Agreement with Customer for this order; and (b) FS agrees to procure these items from Supplier. Notwithstanding the Financing Agreement, Customer's use (and Customer's resale of and the end-user's use) of these items in the order is subject to the applicable governing agreement between Customer and Supplier, except that title shall transfer from Supplier to FS instead of to Customer. If FS notifies Supplier after shipment that Customer is no longer pursuing a Financing Agreement for these items, or if Customer fails to enter into such Financing Agreement within 120 days after shipment by Supplier, Customer shall promptly pay the Supplier invoice amounts directly to Supplier.

Customer represents that this transaction does not involve: (a) use of U.S. Government funds; (b) use by or resale to the U.S. Government; or (c) maintenance and support of the product(s) listed in this document within classified spaces. Customer further represents that this transaction does not require Supplier's compliance with any statute, regulation or information technology standard applicable to a U.S. Government procurement.

For certain products shipped to end users in California, a State Environmental Fee will be applied to Customer's invoice. Supplier encourages customers to dispose of electronic equipment properly.

Electronically linked terms and descriptions are available in hard copy upon request.

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