

LOCAL TECHNICAL ASSISTANCE PROGRAM
(ARTICLE 11)

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Equal Opportunity Employer

Article 11

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CHAPTER 11:00 - LOCAL TECHNICAL ASSISTANCE PROGRAM OVERVIEW

11:00:01. Definitions

Words used in this article mean:

1. "Applicant," a municipality that has submitted a proposal for a grant to implement an eligible project to the CWC Local Technical Assistance Program ("LTAP");
2. "Application Form" specific document requesting information from the Applicant and supplied by the CWC;
3. "Board," the Board of Directors of the CWC;
4. "CWC," the Catskill Watershed Corporation;
5. "DEP," the New York City Department of Environmental Protection;
6. "Grant Proposal", the collection of information, forms, specifications, drawings, and other materials submitted to the CWC by an Applicant or Project Sponsor applying for an LTAP Grant;
7. "LTAP" the Local Technical Assistance Program or the "Program";
8. "MOA," the New York City Watershed Memorandum of Agreement;
9. "NYC," the City of New York;
10. Program: the CWC Local Technical Assistance Program
11. Program Agreement," a contract between the CWC and the City of New York, acting through the DEP, providing for the establishment of a Local Technical Assistance Program to provide support for community planning efforts designed to improve water quality and enhance the quality of life in the West of Hudson Watershed and to provide support for generic environmental impact statements in the Schoharie Watershed;
12. Project Sponsor," approved Applicant awarded an LTAP grant by the Board or agent authorized to act on behalf of an applicant as Project Sponsor to coordinate implementation of and application for CWC funding for the LTAP project. The Project Sponsor shall assign a contact individual;
13. "Schoharie Watershed" the drainage basin of the Schoharie Reservoir
14. Turbidity: a measure of relative water clarity due to suspended matter;
15. Watercourse a visible path through which surface water travels on a regular basis, including an intermittent stream, which is tributary to the New York City water supply. A drainage ditch, swale or surface feature that contains water only during and immediately after a rainstorm or a snowmelt shall not be considered to be a watercourse. (Reference Watershed regulations);
16. "Watershed," the West of Hudson River Watershed serving the New York City Water Supply;

11:00:02. Purpose and Goals

A. Local Technical Assistance Program

The purpose of the Local Technical Assistance Program is to provide for the development and implementation of Community Planning Initiatives (as hereinafter defined). CWC shall act as program manager of the LTAP. Program funds shall be used solely for these purposes and for administration of the LTAP.

1. The term "Community Planning Initiatives" shall mean initiatives by local (town, village) or county governments, in the Watershed, which;
 - i. are intended to improve local quality of life, while at the same time enhancing protection of the water supply, through long-term planning of land use, zoning, pollution control, and/or open space creation or preservation; and

- ii. are intended to benefit the public at large within a municipality or portion thereof and are not intended to further individual private interests; and
- iii. are intended to result in the adoption of plans or laws, rules, regulations, ordinances, easements, restrictions or other binding controls to allow the relevant local governments to preserve the intended benefits to the public at large.

B. Schoharie Watershed Impact Studies

The purpose of the Schoharie Watershed Impact Studies Grants is to fund generic environmental impact statements to address the environmental (in particular, turbidity) and infrastructure impacts from reasonably foreseeable future development. The purpose of these studies is to identify the impacts (i.e., environmental and infrastructure) from reasonably foreseeable future developments and the mitigation measures necessary to address such impacts. SWIS funds shall be used solely for these purposes and for administration of the SWIS

11:00:03 - Eligible Projects

1. Projects eligible to apply for LTAP funding from CWC, according to the Program Agreement between CWC and DEP include projects that provide support for watershed protection and community planning in order to improve water quality in the West of Hudson Watershed and enhance the quality of life in watershed communities. Examples of such initiatives shall include, without limitation, comprehensive land-use plans and zoning laws; environmental protection laws; highway maintenance plans; and open space requirements for development projects.
2. Projects eligible to apply for SWIS Program funding from CWC, according to the Program Agreement are limited to generic environmental impact statements to address the environmental (in particular, turbidity) and infrastructure impacts from reasonably foreseeable future developments and the mitigation measures necessary to address such impacts. The purpose of these studies is to identify the impacts (i.e., environmental and infrastructure) from reasonably foreseeable future developments and the mitigation measures necessary to address such impacts. SWIS Funds may be expended on planning only for areas within the Schoharie Watershed.

11:00:04. Overview of Identification and Selection of Projects

1. CWC will identify, prioritize, and select projects, jointly with DEP, through evaluation of grant proposals for program funding, as discussed in Section 11:02 of these rules. For solicitation of proposals, CWC shall make a public request for grant proposals through the news media and through a letter to County Planning Departments, Town and Village Planning Boards, Town Supervisors and Village Mayors, including a fact sheet describing this program and directions to contact CWC for further information. Application forms shall be distributed upon request.
2. CWC jointly with DEP shall select for funding only those projects it has evaluated and determined to be eligible pursuant to the criteria listed in section 11:00:03. Applicants shall not be required to show a minimum percent contribution of the project costs however added consideration may be given to applicants doing so. Applicant contributions can consist of in-kind services directly associated with the Applicant's project per Section 11:00:05 of these rules.
3. In determining allocation of LTAP grant funding, the CWC shall consider the benefit to water quality and local quality of life as discussed in Section 11:02 of these rules. The availability of other funding for the project may increase its ranking. CWC and DEP staff will provide written evaluations to the Board that addresses these criteria.
4. In determining allocation of SWIS grant funding, the CWC shall consider the quality of the proposal, the application's demonstrated need and the area of the applicant municipality

within the Schoharie Watershed as discussed in Section 11:02 of these rules. CWC and DEP staff will provide written evaluations to the Board that addresses these criteria.

5. Once approved by the CWC Board, the Executive Director of the CWC shall execute written grant agreements (per section 11:03:01- Project Contracting) with a Project Sponsor to implement the project.
6. Funding per LTAP Project, not including SWIS Projects, shall be limited to no more than \$50,000 (Fifty Thousand Dollars).

11:00:05. Eligible Costs

In order for the project costs to be eligible for reimbursement, the cost must be incurred after the Commencement date of the grant agreement, deemed reasonable and necessary by CWC and DEP for the project and is for work done in compliance with the following

- i. Watershed Regulations.
 - ii. All applicable Federal, State and local regulations.
 - iii. The Program Agreement.
 - iv. The Grant Agreement.
 - v. These program rules and standards.
1. Potential eligible costs can include the following as needed to implement an eligible project.
 - a. Consultant and contractual charges, including standard hourly charges, travel, materials, supplies, and other goods and services directly associated with the project. County or municipal government agencies can be considered consultants so long as the county or municipal agency itself is not the applicant.
 - b. Professional services contributed by municipal employees and officials to the project as determined by the CWC and DEP.
 - c. Applicant personnel service expenses contributed to the project as determined by the CWC and DEP.
 - d. Volunteer services contributed by municipal employees and officials to the project may be used as a local in-kind cost share for improving project ranking only.
 - e. Other reasonable costs approved by the CWC jointly with the DEP.
 - f. For SWIS applicants, eligible costs can include costs otherwise eligible as described above and incurred by the applicant after December 1, 2005.
 2. Reasonable costs shall be determined and documented as follows.
 - a. Reasonable costs shall in general be determined based on recent prices for similar work in the same geographic area.
 - b. Reasonable cost for materials shall be justified by procurement through competitive quotes. Procurement for public entities shall be in accordance with their own policies.
 - c. Reasonable fees for professional services shall be justified by prices for recent similar services in the same geographic area. In addition, the Project Sponsor shall illustrate in selecting professionals for the project, consideration was given to fees as well as qualifications.

11:00:06. Program Funding

1. A. Local Technical Assistance Program Funding for LTAP Projects shall be determined annually through the budget process, whereby the Executive Director of the CWC proposes annual budget allocations to the CWC Board of Directors for their approval. CWC does not guarantee funding to any or all projects that meet the minimum criteria for ranking in these Rules. Funds shall be allocated based on budget considerations and priority ranking.
2. All LTAP projects will be funded in accordance with the MOA and the Program Agreement.
3. Payments for project work shall be made in accordance with section 11:03:02 (Project Payments).

4. This program shall terminate ten (10) years after the commencement date of the Program Agreement unless extended through agreement between the CWC and NYC.

B.Schoharie Watershed Impact Studies Program

1. Funding for SWIS Projects shall be determined through one funding round as per these Rules. CWC does not guarantee funding to any or all projects that meet the minimum criteria for ranking in these Rules. Funds shall be allocated based on budget considerations and priority ranking.
2. Total funding for SWIS Projects is limited to \$500,000.
3. All SWIS Projects shall be funded in accordance with the Program Agreement.
4. Contracts for all SWIS Projects shall be issued to successful municipal applicants by December 1, 2007, or within five months of receipt of approved Change Order as described in Section 11:00:07.

11:00:07. Program Milestones

A. Local Technical Assistance Program

Description of Implementation Milestone	<u>Est. Date</u>
a. Finalize program rules, milestones and prioritization.	Month 1
b. Develop standard program contract.	Month 1
c. Implement initial round of application process (see section 11:02:02)	Month 1
d. Prioritize and select projects, estimate budget	Month 4
e. Repeat process for any additionally selected projects.	Annually
f. The CWC Board shall annually allocate funds for the Program.	Annually
g. Applications available	*December 1, 2009
h. Applications due for Local Technical Assistance Grant Program	*January 29, 2010
i. Applications submitted to CWC Board for approval.	*April 6, 2010
j. Issue contracts on approved projects.	*May 2010
1. This program shall terminate 10 years after the start-up date.	6/28/2015

(* Application availability and due dates, and CWC approval and contract dates will be set annually by the Board through a program rule change.)

B. SWIS Projects - Description of Implementation Milestone

Description of Implementation Milestone	Est. Date
a. Finalize SWIS Program rules, milestones and prioritization;	Month 1*
b. Develop standard Project Agreement;	Month 1*
c. Implement initial round of application process (see section 11:02:02);	Month 1*
d. Prioritize and select projects;	Month 4*
e. Issue Project Agreements for selected Projects.	December 1, 2007

(*Month 1 shall commence the first Calendar month after the Change Order providing for SWIS is approved for funding by New York City and/or a Commence Work Order has been issued by New York City for such Change Order. Contracts to successful applicants shall be issued by December 1, 2007 or month 5 whichever is later.)

11:00:08. Consistency with Rules, Laws & Regulations

1. The Program and use of Program funds shall be consistent with all applicable rules, laws and regulations.

11:00:09. Coordination between the CWC and the DEP

1. Each Project Sponsor, in the grant proposal, shall identify and describe the water quality problem(s) and/or community concerns. Within ten (10) business days of receiving four

copies of the completed grant proposal, CWC shall send one copy to DEP for their joint review and comment.

11:00:10. Coordination with Regulatory Agencies

1. The Project Sponsor, or its agents, shall coordinate with all regulatory agencies with review authority over the project, and shall complete all permit processes as needed.
2. Project Sponsors are responsible for complying with the State Environmental Quality Review Act ("SEQRA"). This program is intended to provide quality of life as well as water quality benefits, and should not adversely impact watercourses or wetlands. If a SEQRA Lead Agency determines that a proposed project may have a potentially significant adverse impact on the environment the Project Sponsor may apply to the Board of the CWC, by letter with a proposed budget, for approval of costs of additional environmental review.

11:00:11. Amendment of Rules

1. The Board, jointly with DEP, may amend the LTAP rules at any time.

CHAPTER 11:01 - PROGRAM CRITERIA

11:01:01. General Criteria

1. LTAP Projects

To be considered for funding and ranked in accordance with Section 11:02, CWC jointly with NYCDEP must determine that the grant proposal demonstrates at least one of the following:

- 1) Commitment on the part of the Applicant to prepare and adopt the resulting management plan, local law or study recommendations;
- 2) Commitment by the Applicant to solicit public participation in management plan preparation, local law adoption or study preparation and ongoing public education;
- 3) The Project involves other appropriate levels of government;
- 4) The Project provides potential for improving municipal management of non-point source pollution through fuller use of local land use authority and enhancement of municipal programs and practices;
- 5) The Project provides opportunities for protection of sensitive resource areas;
- 6) The Project provides opportunities for developing innovative institutional arrangements and public-private partnerships for long-term water quality protection.
- 7) The Project provides opportunities for developing innovative institutional arrangements and public-private partnerships for long-term improvements in local quality of life.
- 8) Laws, plans, or projects adopted with or under the assistance of the LTAP are intended to benefit the public at large within a municipality or portion thereof and are not intended to solely further individual private interests.

2. SWIS Projects

A. To be considered for funding and ranked in accordance with Section 11:02, CWC jointly with NYCDEP must determine that the proposed project demonstrates:

- i. Level of quality commensurate with the funding request;
- ii. Applicant's Demonstrated Need;
- iii. Area if the applicant municipality within the Schoharie Watershed

CHAPTER 11:02 - APPLICATION PROCESS AND REQUIREMENTS, AND RANKING OF PROJECTS

11:02:01. Application Elements

1. In order to apply for grant funding, each Project Sponsor shall submit a Grant Proposal including a completed Application Form supplied by CWC. The Grant Proposal shall supply information to allow CWC jointly with DEP to evaluate the project, designs, plans, laws, or projects. The Applicant shall provide at minimum the information detailed in section 11:02:03 and outlined here. Grant Proposals shall contain the following information:
 - a. Project Description
 - b. Plan or Program Implementation Details
 - c. Project Personnel
 - d. Budget Detail
2. The CWC, in consultation with the DEP, may request additional information at any time in an effort to more completely review and understand an application.

11:02:02. Grant Funding Cycles

1. There shall be one initial LTAP grant funding cycle each year, according to the schedule in section 11:00:07. Dependant on program response and available budgets, a second grant funding cycle may be implemented in the current grant year as determined jointly by the CWC and DEP.
2. There shall be only one round of SWIS Program funding.

11:02:03. Grant Proposal Requirements

1. Each Applicant will prepare and submit to the CWC **four** copies of a Grant Proposal, with a completed Application Form and budget that outlines its proposal and the amount of grant monies requested.
2. Grant Proposals must be **received** by the CWC no later than 4 PM of the day they are due. The CWC recommends that applicants deliver proposal by certified mail, return receipt requested, or overnight mail or hand delivery.
3. CWC will provide Application Forms upon request. The Application Form must be completed and signed before CWC considers a Grant Proposal complete for review and distribution. The **Application Form** must contain the following information:
 - a. Applicant's name and address.
 - b. Name, address, and telephone number of contact person.
 - c. Tax identification number of parcels involved or a detailed description of the assessment area.
 - d. Amount of funding requested, and an estimated project budget.
 - e. Approximate start-up date (if any), project schedule, completion date and/or plan or program duration.
 - f. Descriptions of entity or entities applying for grant (i.e. type of organization).
 - g. Brief narrative of the project, program, plan, law, or initiative characteristics needed to rank its impact on water quality and/or improvements to local quality of life, per the application form. For this program, CWC and DEP shall determine the location and project impact to watercourses in the vicinity of the proposed project.
 - h. Certification that the applicant has the ability to administer and complete the project.
4. Grant Proposals must be accompanied (if applicable) by a certified copy of the resolution(s) of the Applicant authorizing such application for grant funding, and to receive and administer

such funding. Completed Grant Proposals shall be submitted to the CWC for review and approval per section 11:00:04.

5. Any Applicant who has been previously awarded an LTAP grant must demonstrate compliance with contract terms of the prior grant before any additional funding requests will be approved. An applicant who has defaulted on any CWC contract may be excluded from LTAP funding.
6. The following information is required for all Grant Proposals:
 - a. A completed Application Form.
 - b. Site location map, as needed.
 - c. Project Description. Briefly describe the proposed project and include an explanation of the goals sought to be achieved by the project. Identify the project's component tasks or stages with a schedule for completion. Also identify the standards to which the proposed project shall comply, and the need for the proposed project based on benefit to water quality and community development. Identify activities or letters of municipal support and indicate the role of municipal agencies, private organizations, consultants, and volunteers if involved in the project. Applicants should document need through consultation with CWC and DEP, and input from local planning or technical representatives.
 - d. Plan or Program Implementation Details. For Community Planning Initiatives such as municipal comprehensive plans, infrastructure maintenance plans, or a strategic capital investment plan, describe how the plan will be implemented and how milestones will be achieved, (i.e., the time frame and steps to be taken for adoption) and how public participation will be developed. Also, discuss how the project furthers the water quality protection efforts as well as improvements in local quality of life.
 - e. Project Personnel. Identify the key personnel who will be working on the project and describe their qualifications.
 - f. Budget Detail.
 - i. For each person assigned to the project indicate the position title, anticipated hours, hourly pay rate and the total cost to be charged to the project (please take note of Section 11:00:05, "Eligible Costs" when determining budget details).
 - ii. Describe briefly the extent and purpose of contractual services.
 - iii. Describe the skill and value of volunteer services, if applicable.
 - iv. Provide details of other costs. Provide a break-down of in-kind services
 - g. Any other information that may be requested by the CWC in order to assist in application review.
7. CWC jointly with DEP will provide assistance in completing the Grant Proposals and Application Forms.

11:02:04. CWC Action on Grant Proposals

1. The CWC staff, jointly with DEP, will evaluate and make a recommendation to the CWC Stormwater/Wastewater Committee in writing concerning all grant proposals received for the Program. CWC staff shall provide an evaluation in narrative form and a numeric ranking, addressing the applicable criteria listed in section 11:02:05 of these rules. Such evaluation shall incorporate applicable and appropriate comment from DEP and CWC Staff.
2. The CWC Stormwater/Wastewater Committee will review all grant proposals and staff recommendations.
3. Proposal summaries, along with the Stormwater/Wastewater Committee recommendations, shall be presented to the Board prior to the Board's selection of projects for LTAP funding.
4. An Applicant whose application was disapproved may re-apply for funding during any subsequent grant award cycle.

11:02:05. Criteria for Ranking LTAP Proposals

CWC, jointly with DEP, shall rank LTAP Grant Proposals for inclusion in the Program according to the Program Criteria in Section 11:01 based on project or plan details provided in the Grant Proposal. The availability of other funding for a project may increase its ranking.

1. CWC shall use the following evaluation system for ranking Grant Proposals.
 - a. Proposals shall be awarded one point for each Program Criteria with which it complies;
 - b. Proposals shall be awarded one additional point for each Program Criteria with which it complies and also enhances water quality, protects sensitive resource areas or mitigates pollution threats;
 - c. Proposals shall be awarded one additional point for each Program Criteria with which it complies and also enhances local quality of life.
 - d. Proposals shall be awarded one or more additional points for demonstrating a local commitment to the project by:
 - i. Leveraging financial resources, including the use of other public or private funds for services.
 - ii. Providing for efficient and cost-effective use of public investments and infrastructure.
 - iii. Demonstrating innovation and productivity.
 - iv. Advancing the implementation of community growth measures.
 - v. Building on existing plans and regulations.
 - vi. Demonstrating support by a broad sector of the community.
 - vii. Evincing substantial public participation and education.
 - viii. Establishing milestones that can be reasonably achieved
2. LTAP projects shall be ranked the projects beginning with the highest total points awarded to the lowest total points awarded.
3. LTAP Projects receiving a score of less than 7 shall not be eligible for LTAP funding

11:02:06. Criteria for Ranking SWIS Proposals

1. CWC, jointly with DEP, shall rank SWIS Project Proposals for inclusion in the Program according to the Program Criteria in Section 11:01 based on Project or plan details provided in the Project Proposal. The availability of other funding for a proposed project may increase its ranking.
2. CWC shall use the following evaluation system for ranking Grant Proposals.
 - a. Proposals shall be awarded one point for each Program Criteria with which it complies;
 - b. Proposals shall be awarded one additional point for each Program Criteria with which it complies and will also address environmental impacts (in particular turbidity) and mitigates pollution threats that could cause turbidity;
 - c. Proposals shall be awarded one or more additional points for demonstrating a local commitment to the project by:
 - i. Leveraging financial resources, including the use of other public or private funds for services.
 - ii. Quality of Proposal
 - iii. Demonstrated financial need

- iv. More than twenty-five (25) percent of land area of municipal applicant is within Schoharie Watershed
- v. More than fifty (50) percent of land area of municipal applicant is within Schoharie Watershed
- vi. More than seventy-five (75) percent of land area of municipal applicant is within Schoharie Watershed
- vii. Establishing milestones that can be reasonably achieved

CHAPTER 11:03 – PROJECT ADMINISTRATION

11:03:01. Project Contracting

1. CWC will develop a Grant Agreement in consultation with DEP. The standard Grant Agreement shall be used as a basis for all program contracts between CWC and a Project Sponsor.
2. The Grant Agreement between CWC and the Project Sponsor shall contain the following:
 - a. Milestones for the selection of consultants; completion of study phase/product delivery; and implementation schedule.
 - b. A provision that if the cost of pursuing the project exceeds the maximum amount of program funds budgeted for the project by CWC, the Project Sponsor shall complete the project using its own resources or funding obtained from other sources. Nothing shall preclude the Project Sponsor from applying for additional funding from CWC within the guidelines of Sections 11:00:04 and 11:00:10 for reimbursement of any additional unforeseen costs upon submission of appropriate documentation and at the sole discretion of CWC and DEP.
 - c. A statement that Project Sponsor shall comply with NYS General Municipal Law.
 - d. A resolution passed by the appropriate governing body authorizing a designated representative to enter into the Grant Agreement. An applicant may act as Project Sponsor or may authorize a separate agency to enter into contract on the behalf of the applicant as Project Sponsor. If a separate agency is entering into contract on behalf of a municipality, such contract application shall be accompanied by a resolution passed by the appropriate governing body authorizing the agency to act on behalf of the municipality as Project Sponsor.

11:03:02. Project Payments

1. All project payments shall be made in accordance with the Program Agreement between CWC and DEP.

Project payments shall be made under the reimbursement method or the invoiced method. The Project Sponsor may change the payment method at anytime during the contracted terms as long as proper documentation is submitted to CWC.

- a. Under the reimbursement method, the Project Sponsor will submit a signed CWC voucher that itemizes all invoice(s) being submitted and also certifies that the work has been performed in accordance with the sponsor/CWC contract. The Project Sponsor will also include an invoice(s) from the contractor/vendor and proof of payment [e.g. copies of canceled checks, contractors receipt, credit card statement, etc.] for the applicable invoice(s).
- b. Under the invoice method, the Project Sponsor will submit a signed CWC voucher with the same conditions under the reimbursement method, and the contractor/vendors invoice(s). When payment is rendered under the invoice method, the payment will be made to the Project Sponsor and the Contractor/Vendor via Two-Party check.

2. The CWC shall remit the approved payment due and owing to the Project Sponsor within 30 days of receipt of the certified voucher and supporting documentation.

11:03:03. Business Integrity – VENDEX

1. All contractors performing work under LTAP must comply with New York City “VENDEX” requirements.

11:03:04. Insurance and Procurement

1. All projects must comply with by insurance and procurement provisions in the Program Agreement between CWC and DEP.