

**Stormwater Coalition of Albany County  
Board of Directors Meeting**

**MINUTES  
Village of Green Island  
19 George Street  
Thursday, January 15<sup>th</sup>, 2009  
8:30-9:30am**

**Board of Directors Attending:**

Sean Ward, Chairman, Village of Green Island  
Mayor John McDonald, City of Cohoes  
Carl Fleshman, Village of Colonie  
Paul Reuss, Village of Menands  
Hon. Alexander Gordon, Albany County  
James Bulmer, City of Watervliet  
Bradford Burns, City of Albany  
Gerald Gordinier, Village of Voorheesville  
Erik Deyoe, Town of Bethlehem

**Absent:** Ken Runion, Town of Guilderland; Thomas Dolin, Town of New Scotland;  
Peter Gannon, Town of Colonie

**Also Present:**

Nancy Heinzen, Stormwater Coalition Coordinator  
Rodger Stone, Town of Guilderland  
Garry Nathan, City of Cohoes  
John Kosa, City of Albany  
Paul Cantlin, Town of New Scotland  
Margaret Della Rocco, Albany County  
Melissa Ashline-Heil, City of Cohoes

**I. Approval of October 15, 2008 Minutes**

Mayor John McDonald moved to approve the minutes; Carl Fleshman seconded the motion. The motion passed unanimously.

**II. Reports**

**A. Coalition Budget**

Nancy described the budget layout and announced that the County approved the stormwater coalition budget. The only item paid down is the coordinator salary.

## **1. Revenue – Membership Fees**

The membership dues sheet lists the due date as January 31<sup>st</sup>, 2009. Invoices will be sent out shortly. The amount due is listed in the Intermunicipal Agreement and has not changed; therefore municipalities can reference the agreement. Late submissions will result in fines.

Board members expressed concern about the invoice and payment cycle, since municipalities need municipal board or council approval to release the funds. Approvals can take over a month, so board members suggested a 45 day invoice and payment schedule. Mayor McDonald moved to waive late fees for this month if received by March 1st; Hon. Alexander Gordon seconded the motion. The motion passed unanimously.

Nancy then reviewed the list of contacts who will receive the invoice. She will provide the invoice by both e-mail and a hard copy. Hon. Alexander Gordon asked if this year's delay will impact the budget. Nancy did not know and agreed to check. Erik Deyoe averred that the County transfers the money to the Coalition, so the money is already in the budget. Nancy added that her office collects the dues and to avoid depositing it into the wrong account, the correct revenue line number needs to be put on the check.

## **2. Expenditures – Staffing**

Only Nancy's first salary payment has been subtracted from the Budget.

## **3. Relationship to existing grant cash flow**

One grant remains outstanding (NYSDEC Environmental Protection Fund Grant Contract C303129 \$258K). However, the money is obligated for testing kits, educational materials, contract services, and GIS internet mapping. The grant funds will reflect payments on these obligated monies until the grant contract ends October 31, 2009.

## **B. Coalition Work Plan**

The Working Group refined the subcommittee groups' titles, created a list of members and brainstormed topics for each subcommittee. Each municipality was asked to participate in three of the subcommittees by drawing on other municipal employees for relevant expertise. The subcommittees met and provided reports on the topics covered.

### **1. Sub-committee Reports**

Nancy attached copies of the subcommittee reports to the meeting agenda. Erik Deyoe asked about a topic discussed by the Construction Subcommittee which appears as letter "C" on page three of the Reports. The subcommittee had questioned the County's role in stormwater review. Erik Deyoe commented that stormwater review is part of the permit review process when plans are reviewed by the County Planning Board.

Nancy explained that the subcommittee expressed interest in the County role as it relates to the MS4 permit and wanted to look more closely at the responsibility of the municipality versus that of the County. Margaret added that the non-traditional MS4s or those not subject to the County process, such as schools and universities, still impact the County generally and various municipalities, through watersheds. Gerald Gordinier asked if a County DPW employee sits on the Planning Board. Margaret confirmed that was true, but stated that it does not always close the loop.

James Bulmer pointed out that schools submit to the State Education Department without obtaining any approvals from the municipality or county. Mayor McDonald explained that schools do not understand MS4 or abide by it. Local municipalities have had success in handling school projects, but only after municipalities inform schools and point out DEC violations. Therefore, Mayor McDonald recommended state legislative action to clarify and enforce the MS4 requirements for schools. James Bulmer commented that an elementary school in his municipality completed a construction project without notifying the municipality. During that project the school built an addition over one of the City's storm sewer lines.

Nancy then switched gears and discussed the need for space and other resources to conduct chemical analysis. She said the IDDE Program subcommittee recommended use of the Albany County Sewer District (ACSD) facility for chemical analysis space. Since more careful analysis requires more complicated processes, ACSD employees seem ideal for the work. The staff also knows about upcoming legislation affecting testing of stormwater. In addition, their purchasing process would save the Coalition money.

Mayor McDonald moved to approve use of the ACSD site for chemical analysis; Erik Deyoe seconded the motion, which passed unanimously.

## **2. Staffing Update**

Nancy indicated that the budget would support one additional part-time staff person for the Coalition. She added that the County provides various in-kind support services, so the new employee need not fill some administrative functions. However, the Working Group should consider its needs. She also agreed to poll the Working Group to determine whether to hire a technical person, a grant writer, an administrator, for part-time, full-time, intern, temporary or permanent work. The Civil Service classification would also need to be determined. Primarily, Nancy needs to know whether the Coalition will continue in the next year; she took an informal poll as to whether municipalities would continue their membership. It appeared everyone was interested. Erik Deyoe asked about the time line for addressing staffing considerations; Nancy indicated the end of March.

Next, Nancy explained the concept of transfer development rights (TDRs): a market driven tool to keep undeveloped land and transfer the development rights to denser areas. She expressed a desire to use the tool inter-municipally and attend a meeting sponsored

by the NYS Department of State to learn from others what is happening elsewhere in the state. Hon. Alexander Gordon agreed that the bigger the scope, the better chance of success. There were no objections to attending the meeting.

### **III. Discussion**

#### **A. Public Relations**

Nancy drafted a press release (PR), as requested by Mayor McDonald at the last BOD meeting. She asked that everyone review it and let her know of comments or changes. The members agreed to list Nancy Heinzen as the contact, since she acts as a central figure in the coalition and can refer questions to specific members if necessary.

Gerald Gordinier asked what newspapers would publish the PR. He wanted his local papers notified. Nancy stated that the County has a list of papers it releases news to, but indicated that members could submit the PR to their local papers. The Board decided to release the PR late next week.

#### **B. MS4 Annual Report**

The Coalition discussed submitting one MS4 Permit Annual Report representing all the County MS4 municipalities. However, based on various drafts of a new Annual Report Form circulated for review, it appears that NYSDEC wants each municipality to submit a separate report to show both collaborative and independent actions of each municipality. Capital District Regional Planning Commissions (CDRPC) also reviews these reports initially and forwards them to the DEC. Both entities want to see how each municipality is moving forward with MS4 activities.

Members expressed concern that DEC verbally claimed the Coalition could submit one annual report and have reneged on that promise. Erik Deyoe commented that the annual report requirements become more intense each year. He also stated that it would be helpful to have the DEC explain the purpose of the annual report. Each year municipalities are hit with consent orders, and it seems counterintuitive to volunteer information that will result in penalties.

Nancy offered to follow up on the questions through CDRPC. She asserted that there is a gap between what the report form asks for and the mechanics of how municipalities act on the rules. The Coalition groups should work with DEC on the process of communicating municipal actions in the annual report format. Chairman Ward requested that the Board wait until DEC puts out information in late January, or later. Then the County Coalition will have the opportunity to communicate concerns and ask questions.

#### **C. New Coalition Members**

CDRPC would like to join the Coalition as a “friend” which is permitted under §3.5 of the Intermunicipal Agreement. Less clear is the ability to admit bordering municipalities from another county into the group or non-traditional MS4s like SUNY Albany. Both types of parties are interested in joining. Does the Board want municipalities from outside Albany County or non-traditionals like SUNY Albany in the group?

The Board discussed whether the additional members would pay the same fee as the municipalities pay. The extra dues (potentially \$15-20,000) would help support the Coalition. The non-traditional or non-Albany County MS4 entities would receive the same benefits as the Albany County municipalities. Key question, would inviting non-Albany County MS4 municipalities put a drain on Nancy?

Additionally, lawyers would need to amend the Intermunicipal Agreement to permit municipalities from other counties to join the Coalition. SUNY Albany, however does have attorneys available to develop the necessary contract document described in §3.4 Non-Traditional MS4s Not Eligible for Membership.

The Board questioned whether it was their decision or the Working Group’s. Also, no formal request has been made yet. Since the subject lacks urgency, the Board initially decided not to act. However, the group commented that whereas the City of Troy (Rensselaer County) would constitute a drain on the group’s resources, SUNY Albany would provide resources (knowledge, skills, equipment, manpower, research studies, etc.).

Therefore, Mayor McDonald moved to encourage Nancy to pursue the possibility of inviting SUNY Albany to join the Coalition as described in §3.4 Non-Traditional MS4s Not Eligible for Membership and to invite CDRPC and the Albany County Soil Water Conservation District (ACSWCD) as “friends” in accordance with §3.5 Participating Entities Not Subject to the MS4 Program. Carl Fleshman seconded the motion which passed unanimously.

#### **IV. Close of Meeting**

Next meeting scheduled for Friday, March 20<sup>th</sup>, 2009 at 8:30am in the Green Island facility at 19 George Street.

*Minutes approved by the Board of Directors on March 20, 2009*