

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

Minutes

Friday, January 16, 2015

Village of Green Island

19 George Street

8:30 am to 10:15 am

Board of Directors Attending:

Dennis Feeney, Albany County

Joseph Coffey, City of Albany

Brian Kise, Town of Bethlehem (acting Board representative)

Garry Nathan, City of Cohoes (Board Alternate) (acting Chairman)

John Dzialo, Town of Colonie

Ken D'Arpino, Town of Guilderland

Lyle Darmetko, Village of Menands (acting Board Alternate)

Thomas Dolin, Town of New Scotland

Dave Dressel, City of Watervliet

Board of Directors Absent:

Jeff Moller, Village of Altamont

George Primeau, City of Cohoes

Chris Bisognano, Village of Colonie

Sean Ward, Village of Green Island, Chairman

Paul Reuss, Village of Menands

Also Present:

Nancy Heinzen, Stormwater Program Coordinator, Coalition

Scott Siegel, Albany County

Christina Chiappetta, Stormwater Program Technician, Coalition (meeting minutes)

Meeting Called to Order at 8:30am.

I. Approval of September 19, 2014 Minutes

Joseph Coffey moved to approve the minutes. Dennis Feeney seconded the motion, which passed unanimously.

II. Reports

a. Coalition Administration

i. 2014 Budget Report (Budget Transfer; Reserve Estimate-April, 2015)

There is \$53,061 in the Stormwater Program Coordinator line of which \$3,061 is remaining. That \$3,061 had been moved into this salary line mid-year to cover a retroactive salary increase first approved by Albany County for all non-union employees, then also approved by the Coalition Board when funds became available unexpectedly. Until this review of the 2014 Budget, adjustments to the Coordinator payroll check necessary to draw down that \$3,061 had been assumed to be

taking place. In fact, they weren't. The problem is under investigation and all involved know what needs to happen to make the corrections.

There is \$2,264 remaining the Tech Admin line.

There is \$1,600 encumbered in the Computer Equipment line, to be used for expenses related to the AIMS server. According to the County Comptroller's office, that money needs to be spent in 2015, otherwise the Coalition loses it.

There is \$540 remaining in the Conference-Training line. Fewer Center for Watershed Protection webcasts were purchased this year and conferences attended by members, then reimbursed by the Coalition were inexpensive.

There is \$229 remaining in the Misc Contractual line. This is money budgeted for website maintenance. Since the website is easy to maintain, these funds went unspent.

As of 2013, there is \$15,096 in the reserve. For 2014, there is an anticipated \$29,172 to be added into the reserve. This includes \$22,896 remaining in the Stormwater Reserve Replenish line, a one-time adjustment to address a variety of accounting issues unique to the Coalition, plus funds remaining in various budget lines for 2014. Once the books are closed, generally the end of April, the Comptroller's offices will provide an actual number. If the estimates are correct, the Coalition could have \$44,268 in the reserve.

Should the Coalition decide to spend some of that money, Nancy Heinzen asked how the Coalition might want to spend it. John Dzialo suggested using it to hire a part time employee as the Coalition gets a lot out of the work they do.

ii. 2015 Budget Report (Adopted by County Leg; Invoices)

Electronic invoices were sent for membership dues. Nancy Heinzen distributed hard copies of the invoices as requested by board members.

There were some minor changes by the County in the final adopted budget, necessary because County fringe expenses are decided in October, after the Coalition Board approves the budget and commits to membership dues. For 2015, there needed to be slight increases in two lines, Computer Supplies and Accrued Vacation. This way revenues (dues), less expenses (salary, fringe, operational expenses) equals zero.

iii. Policy Recommendations-Additional Point Services; Equipment Use; Needs Survey

Additional "Points" Services

Nancy Heinzen reviewed the Policy Recommendations handout in the Board packet and explained that the listed observations had been discussed by the Working Group. 2014 was the first year that some members had purchased “points” and various issues emerged during the course of the year.

For example, if audited and the member has purchased ‘points’ do audit activities take precedence over ‘point’ work scheduled for another municipality? If a municipality is audited, can they immediately purchase “point” services? The City of Albany EPA Audit prompted several of these questions.

Nancy Heinzen read through and explained key Policy Recommendations.

Policy Recommendation #2: The hourly rate for “point” services is based on the combined salary, plus fringe of both Coalition employees (Stormwater Program Coordinator and Stormwater Program Technician aka Tech/Adm). Both provide “point” services. For the 2014 budget, only one salary/fringe had been used, that of the Stormwater Program Technician.

Policy Recommendation #3: To determine which services a municipality might need, a “Points Survey” will be distributed and filled out by January 31.

Policy Recommendation #4: The point hours will not roll over because it is too complicated to account for back hours and future hours.

Policy Recommendations #5 and 6: The Coalition will help with audit prep but within reason. For example, the Coalition will get things in order but will not drop everything to complete ORI if it has not yet been done.

Equipment Use

In addition to ‘Point Services’ the document addressed mapping equipment purchased with NYSDEC grant money (GPS unit). In particular, is the equipment now owned by the Coalition? Can the Coalition rent this equipment? If yes, what is a fair rental rate? What happens if the equipment is broken?

A rental rate was proposed, along with a broken equipment policy. The Board asked Nancy to clarify the language to read that rental rates apply to non stormwater mapping activities.

Otherwise, the Board agreed to all of the Policy Recommendations, as written and Nancy agreed to ask NYSDEC about the status of equipment purchased with grant money.

iv. Summer Staffing (Stormwater Work Is Seasonal-Need Help; How?; Ideal Candidate & Skill Level)

Nancy Heinzen mentioned her conversation with Sean Ward that funds from the County legislature may be available to hire summer help. She then reviewed a Board handout describing where we might find summer help, preferred qualifications, and projects of interest.

Scott Siegel suggested recruiting from the Cornell Cooperative Extension. Garry Nathan described their experience with high school students, generally hit or miss. Nancy Heinzen will consider various options and look into the County Legislature program more carefully.

v. 2015 Board Representatives and Alternates

Nancy Heinzen reviewed her list of 2015 permanent and alternate Board representatives. Some municipalities need to assign an alternate rep and Nancy asked that members sort this out. She will circulate an e-mail on the topic.

The Village of Altamont has been missing from Board meetings. Tom Dolin will reach out to the Mayor of Altamont about this. [Note: since this Board meeting, Nancy noticed that she had accidentally deleted, Jeff Moller, Village of Altamont Board rep from her Board e-mail list. This might explain the Village's absence.]

Positives and negatives related to Board participation were discussed. Some municipalities have problems finding an alternate representative and wish that others from their municipality would get more involved. Many find the Board a good way to learn about shared issues facing all municipalities and the diverse representation is informative. The audit experience often peaks interest in Board participation.

b. Stormwater Permits: Status of Permit Renewals; EPA/DEC MS4 Permit Audits

i. Status of Construction Activity and MS4 Permit Renewals

There is a new Construction Activity Permit (effective January 29, 2015) and the MS4 Permit is still in draft form, to be renewed shortly. There are no changes in the draft MS4 permit, other than clerical updates (dates, permit numbers, etc.).

ii. Audits: EPA (Ci/Albany, T/Col, SUNY Brockport); NYSDEC (V/Col)
City of Albany:

There were no consent orders issued regarding the MS4 Permit. There are remaining issues at the landfill where there is a Multi-Sector General Stormwater Permit. Collaboration between Maryella Davenport, from the City of Albany, the Coalition, Town of Colonie, EPA, and other City Department staff was critical to getting through the audit. Joe Coffey expressed his thanks to all involved.

Nancy Heinzen used this time to point out that inter-departmental communication is important. Where there is a high level of communication, audits seem to go well.

Village of Colonie:

Will be audited next week by NYSDEC-January 21.

Town of Colonie:

John Dzialo says that they are about 98% through the tasks they needed to complete. They still need to resolve some issues (floor drains). He is hoping to be completed the April 1st Quarterly Report.

SUNY Brockport:

SUNY Brockport, a member of the Stormwater Coalition of Monroe County, was audited by EPA in December, 2014. To the best of our knowledge, this is the first NYS public university EPA Audit. Todd Stevenson from the Stormwater Coalition of Monroe County reached out to Nancy about our experience with university audits (none). To help out SUNY Brockport, Nancy sent Todd the University at Albany-SUNY Stormwater Policy document. According to Todd, SUNY Brockport was very appreciative.

c. Email Decisions

i. City of Albany SWMP Plan Update and BMP Report (WG)

As decided by e-mail, Coalition Working Group representatives agreed to submit to EPA the entire updated SWMP document (BMP Data Report). This document includes data for all Coalition members (MS4s). No formal response yet from EPA about the SWMP Update.

ii. NYC Amicus Brief Court of Appeals & Support Letter: NRDC vs NYSDEC (BOD)

As agreed to by the Board and suggested by the New York City Law Department, the Coalition sent a letter of support to the Court of Appeals which was then rejected by the Court. As an alternative, NYC Law Department and the New York State Attorney General's office suggested that we post our letter on our website. This way the content is available to the public and could be referenced by the AGs office, thus included in arguments and part of the legal record considered by the Court.

Garry Nathan suggested and all agreed that that we minimally post the letter on the website and look into hiring an attorney to sign off on our statement. The attorney signature is needed to include our statement directly in the NYC Law Department amicus brief.

Nancy Heinzen will post the letter on the Coalition website.

Thomas Dolin and Dennis Feeney agreed to research this issue further and consider ways to have an attorney sign the letter.

NRDC will likely continue with the appeal arguing that the MS4 Permit as written is an impermissible self-regulatory system in which municipalities are allowed to select their own stormwater pollution controls without oversight by DEC or public participation. There also needs to be monitoring requirements.

- d. Coalition Work Plan (2014 and 2015) & SWMP Plan
 - i. BMP Priorities-All Coalition Members-Staff Activities

Nancy Heinzen provided a quick overview of Coalition activities itemized in the agenda. They were:

BMP 1-6: Public Programs: 12/8 GI for SW Mgmt; 2015 CWP Webcasts; 4/23 APWA Annual Conf

BMP 2-3 SWMP: BMP Report-Process, Revelations, Content, Revisions, Coalition 2015 Work Plan

BMP 2-11 WAVE: Coalition-Wide Plan

BMP 3-2 Coalition Stormwater Mapper (AIMS): Behind The Scenes; In House GIS Presentations (T/Col; Albany/City; T/Beth-1/22)-Observations; Fantasy-All Water Infrastructure Mapper

BMP 5-6 Muni, PB, ZB Training-LID/BSD/GI-Coalition: GI Design Constraints Lesson Plan Dev

BMP 6-9 Staff Training: County: McCoy & Law Dept; V/Col Staff & Officials County Executive, Dan McCoy, presented at Harvard regarding GIS and Stormwater. Nancy Heinzen helped him prepare with an "Intro to the Clean Water Act" geared information session.

BMP 7-1 Inter-municipal Agmt

OTHER: Audit Support; V/Alt Outfall Mapping

- ii. BMP Priorities-Individual Coalition Members-Points (2014 and 2015 Survey) City of Albany, V/Menands; T/New Scotland; C/WVliet; Albany County

Nancy Heinzen is still waiting for the Points Surveys from the Town of New Scotland and the City of Albany.

III. Discussion

- a. Coalition Intermunicipal Agreement (2016 to ___)
 - i. Background, Observations To Date and Regulatory Context (Cheat Sheet)

Nancy Heinzen explained a Board packet handout which reviewed the background, observations, and regulatory context for an updated inter-municipal agreement.

The packet also included her first attempt at marking up the intermunicipal agreement. Although rough, she encouraged Board members to take a look. More time would be spent at upcoming Working Group meetings to consider these mark ups and others.

For now, she needed to know if members wanted to stick with the Coalition, yes/ no and if yes, what should be the time frame of the inter-municipal agreement.

Garry Nathan made a motion to extend the current IMA for 2 years which was seconded by Dave Dressel and passed unanimously by the Board. This 2 year time frame coincides with the length of the upcoming MS4 Permit cycle.

Provided there's a way for the Coalition to provide services which municipalities cannot or do not want to provide themselves, such as public education and public participation, municipalities represented at the Board meeting were willing to continue as a Coalition.

A way to do this might be in how we write and commit to a Joint Coalition Stormwater Management Program Plan. EPA's response to the updated SWMP BMP Data Report submitted as part of the City of Albany audit is important in this regard.

- ii. IMA Mark Ups-Areas of Interest
 - 1. Who's "In"?
 - 2. How To Proceed?

The IMA needs to be updated.

The next Board meeting is Friday, March 20, 2015 in the Village of Green Island at 8:30am.

John Dzialo made a motion to adjourn which was seconded by Dave Dressel and passed unanimously by Board Members.

These minutes were approved by the Coalition Board of Directors at their March 20, 2015 meeting.