

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

**MINUTES
Village of Green Island
19 George Street
Thursday, March 18, 2010
8:30-10:00 am**

Board of Directors Attending:

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

Absent: Carl Fleshman, Village of Colonie
Ken Runion, Town of Guilderland
Thomas Dolin, Town of New Scotland

Also Present:

Nancy Heinzen, Stormwater Coalition Program Coordinator
Melissa Ashline-Heil, City of Cohoes (Minutes)
Garry Nathan, City of Cohoes

I. Approval of January 21, 2010 Minutes

James Bulmer moved to approve the minutes. John Dzialo seconded the motion which passed unanimously.

II. Reports

A. Budget Reports

1. Coalition Account

The 2009 budget report line item totals confirm the previously approved allocation of unspent expenditures, as either encumbered money or money to be set aside in a reserve fund. Nancy has not yet received a return phone call from the County Comptroller's office concerning reserve fund related questions brought up at the last Board of Director's meeting. However, of the remaining \$19,333 (anticipated reserve fund) the Coalition must follow County procedures for accessing this money. This will involve a Request for Legislative Action (RLA), followed by a legislative

committee decision, followed by a vote of the full legislature. It is currently unclear if an RLA is required for all reserve fund transfers. Normally, budget line transfers greater than \$10,000 require an RLA and legislative approval, while amounts less than \$10,000, only require executive approval. This is a question for the Comptroller's office.

Nancy also included the 2010 budget, and pointed out that the percent used is in the far right column. To date, the Coalition spent two thousand for ORI test kit related services from the Albany County Sewer District. John Dzialo asked if the kits are all set and what were the procedures for additional lab testing. Nancy indicated that the County will perform some of the lab testing without remuneration. However, if the number of tests becomes overwhelming, the County Sewer District would want to discuss additional lab test fees.

Gerald Gordinier commented that although every municipality renewed its membership with the Coalition, Guilderland has missed a few meetings. Nancy agreed to discuss this with the Town of Guilderland. There is also a need to have alternates represent municipalities at Board meetings.

2. Stormwater Grant

There are some remaining grant deliverables which are nearing completion.

B. Coalition Work Plan

1. Sub-Committee Reports (Ad-Hoc)

a. Education & Public Participation

1) Water Quality Report Card Programs

a) Krumkill-2/18

The Krumkill event was well attended due to a joint advertising effort between the McKownville Improvement Association which hosted the event and distributed 1,000 flyers by hand and SUNY Albany which advertised to students via 20,000 piece list-serve. Community TV also recorded the program. About fifty people attended the session, asking questions about who personally caused pollution. While the Report Card can describe general sources of pollution, it can't clearly identify specific sources. Many of the residents expressed concern about drainage issues, blaming various municipalities for problems.

b) Normanskill Tribs-2/25

About 15 people attended the Normanskill Trib event at Five Rivers.

2) NYCOM presentation

Nancy has copies of the powerpoint she made for her NYCOM presentation. Her talk provided an update on Coalition activities. She pointed out that the presentation includes information about the number of stormwater outfalls and number of construction activity permits within each MS4 (pages 22-24). Given the various MS4 permit requirements regarding outfall reconnaissance, pollution track down, pre-construction review of stormwater management plans, and post-construction stormwater maintenance this data highlights the individual and comparative MS4 workload. The middle slide on page 30 summarizes some of the audit and enforcement outcomes.

Sean Ward commented that only those truly interested in stormwater attended the session. The attendees' own understanding of MS4 issues proved that the Albany County Coalition is ahead of the curve. Alexander Gordon added that the snowfall in high elevations create a stormwater runoff problem this year, making MS4 enforcement important and timely.

At the same conference, attorney Bob Feller of Bond, Schoeneck and King discussed developing legislation for the creation of stormwater utility districts. The law firm offered to take the lead on developing enabling legislation if interested groups contributed a percentage of the cost of legal fees. Paul Reuss added that NYCOM asked municipalities to send letters asking representatives to support such legislation.

Gerald Gordinier asked how the state feels about the utility district legislation since the municipalities are usually left to take control of a district. Nancy revealed that NYSDEC supports the legislation, but could not pursue it because of other priorities. John McDonald clarified that although DEC may support the concept, the governor and other state officials do not want to create another entity. He also asked how much Bond, Schoeneck and King requested for the fee. Nancy replied that there was a range, perhaps starting at \$30,000, but she was unsure about that and would get back to John McDonald with more info.

John Dzialo added that DEC had already paid Bond, Schoeneck and King to develop enabling legislation. Nancy explained that these additional fees would cover future work on the legislation development. Sean Ward pointed out that NYCOM would be the best lobbyists for the legislation.

Nancy then described how Monroe County is currently trying to develop a county-level drainage district, to eventually include an imperviousness-based user fee. As the funding ends for the development phase of a county drainage district, responsibility for implementing the district requires the full support of both the municipalities and County. The outcome for Monroe County is unclear. Alexander Gordon averred that it would require a larger region since drainage enters county lines.

Gerald Gordinier does not think it is worth \$30,000, especially for municipalities with very little developable land. Voorheesville is 80% built out. The remaining land is unbuildable. Therefore, the maintenance of stormwater retention systems is minimal compared to the \$30,000 for the enabling legislation. The DPW crews de-muck the retention basins every five years.

3) Coalition Overview Handout

The Stormwater Coalition handout was created to explain the coalition.

4) Getting To Know The Stream Next Door Program

Planning for that is proceeding.

b. Construction and Post-Construction (*General Maintenance Cards*)

The first batch of the post construction cards have been completed for final review and approval.

c. IDDE Program Implementation

-Outfall Reconnaissance Inventory (Status)

Some municipalities are taking an inventory of outfalls, so Nancy has arranged to hire an intern to provide assistance to Coalition municipalities. Alexander Gordon suggested using the Summer Youth Employment program which has an April 2 deadline. Unfortunately, the hiring timeline does not mesh with the program deadlines. Nancy does need municipalities to specify the needs and tasks. She has three possible candidates from the geography department who have GIS experience.

-Albany Internet Mapping System (Design Requests)

AIMS design changes will be given to the consulting firm, Fountains Spatial, to be paid for as part of the original grant contract to develop AIMS.

2. Intern Activities

Project Wet Kits

Brochure Deliveries

EPA Video Clips

EPA video clips will be aired on public tv.

Future Intern: County RLA Procedures, Job Posting; Expectations/Support

See above discussion under IDDE Program Implementation.

C. General Updates

1. NYSDEC (Construction Activity Permit, Design Manual-Coalition Chapter 5 comments)

The new Construction Activity permit is out (SPDES General Permit GP-0-10-001). Nancy provided a copy of the permit on orange paper. The Coalition also submitted design manual comments.

2. EPA (Proposed Rule Making; Village of Castleton-On-Hudson Administrative Order)

EPA to tighten rules in order to strengthen MS4 permit requirements. The Urban Stormwater Management packet that Nancy provided details the facts. A federal report found that the permit system is not working. Gerald Gordinier asked if EPA is displeased with the states. Nancy explained that the stormwater permit is not solving the problem, so EPA is changing the permit itself.

EPA audited the Village of Castleton-on-Hudson. Nancy provided copies of various published reports. EPA found an unpermitted construction project within the municipality which eventually resulted in an Expedited Storm Water Settlement Agreement with a \$5,246 penalty. Erik Deyoe emphasized the aggressiveness of the completion dates for the MS4 Permit Administrative Order. The municipality has six months to rectify the situations described on page 6 of that handout. Gerald Gordinier explained that the village placed the entire burden for the MS4 program on the engineer. Sean Ward added that the municipality did not submit annual reports.

3. Town of Greece (Monroe County) (Citizen Suit)

Nancy provided a copy of the letter dated August 11, 2009 sent to the Town of Greece in Monroe County from the attorney representing the citizen's group Citizen Alert-Protect Our Waters!. This is the first step of a citizen suit against the Town of Greece for failing to comply with various MS4 Permit requirements. The list of complaints is extensive and highlights likely areas for future litigation, specific to the Town of Greece and for all regulated MS4s.

4. NYCOM and SW Utility Districts (Bond, Schoeneck, and King proposal)

See the previous NYCOM discussion under section B2 of the minutes.

5. CBI/FSI MS4 Permit Manager Software *(Training; Yr 7 Annual Report; & SWMP)*

Every municipality must attend the software training on Friday, March 26th, 2010. The Permit Manager Software will generate information for the Year 7 Annual Report. Every municipality needs to know how to access and use the documentation since each municipality is vulnerable to an audit or lawsuit.

6. NYSDOS Grant Update *(Normanskill Trib Watershed Assessment/Training)*

NYSDOS did not award the grant for the Coalition proposed Normanskill Trib Watershed Assessment study.

7. Local Green Infrastructure Project(s) *(A Query)*

Nancy read an article in SPOTLIGHT concerning a culvert in Bethlehem. A homeowner near the Krumkill watershed complained of erosion problems on his property which he claimed result from the culvert. His situation has generated a lot of attention. Since every culvert is undersized he seeks a watershed solution and a revision of land use laws.

Erik Deyoe clarified that Delaware Engineering is conducting a study. However, based on calculations the culvert is not hydrologically undersized. It is not comparable to modern sized culverts, but the erosion problem is caused by actions on private property. One of the residents set cobblestones along the bank which created a sandbar and diverted the water.

Nancy proposed using the Krumkill watershed as an educational opportunity to find long term solutions for stormwater problems. Members of the Board preferred to focus on the permit obligations before chasing money and focusing resources on long term solutions. Members pointed out that long term solutions based on studying watersheds requires a larger entity than the Stormwater Coalition of Albany County.

III. Discussion and Decisions

A. Conferences and Training Budget Line *(Expenditure Policy)*

Nancy explained that the Coalition has \$1,280 left for training. She asked the Board whether the money should be spent on tuition for sending individuals to training or whether the Coalition should organize its own training. Sean Ward asked that the Working Group decide.

B. Intermunicipal Agreement *(Board Appointments & Proposed changes)*

Nancy proposed language to incorporate into the intermunicipal agreement which allows alternate representatives to serve on the Coalition Board of Directors. Sean Ward appreciated the broad language because it provides flexibility. The next step is to submit a final copy to the Board members so that their municipal attorneys can review. Then it goes to the governing boards of each participating municipality and Albany County for approval.

C. Albany Internet Mapping System *(Maintenance and Budget Implications)*

Beginning in 2011, the cost of maintaining the Albany Internet Mapping System, which includes hosting AIMS and updating and/or adding new map layers will be ~\$15,000. The grant used to fund the development of AIMS included an 18 month maintenance contract and that maintenance portion of the Fountain Spatial contract ends August 31, 2010. The current 2010 Coalition budget includes the remaining maintenance fee for 2010 (4 months, 9/1/10 to 12/31/10, \$5,500). [Coalition Program Coordinator (NH) addition to minutes: AIMS 2010 budget information].

How to pay for the anticipated annual maintenance fee for 2011 is unclear. Nancy proposed either splitting the cost with the County or permitting other nonmember municipalities to use it if they contribute toward the maintenance fee. Erik Deyoe requested a unit price break down since the \$15,000 is new to the Board members and seems steep. Nancy agreed to find out the break down.

D. Municipal Expectations and Support (*Getting To Know The Stream Next Door & Outfall Reconnaissance Inventory*)

Municipalities are on board with using interns. In order to hire another intern the Coalition has three interested who have submitted resumes. Nancy would like to hire one by May.

John McDonald moved to adjourn the meeting. Sean Ward seconded the motion which passed unanimously.

IV. Close of Meeting

NEXT MEETING: Thursday, June 17, Village of Green Island, 8:30am – 10:00am

Minutes approved by the Board of Director's on June 17, 2010.