

**MS4 Stormwater Coalition of Albany County
Board of Directors Meeting**

**MINUTES
Village of Green Island
19 George Street
Thursday, January 21st 2010
8:30-10:00am**

Board of Directors Attending:

Sean Ward, Chairman
Carl Fleshman, Village of Colonie
Paul Reuss, Village of Menands
Hon. Alexander Gordon, Albany County
James Bulmer, City of Watervliet
Gerald Gordinier, Village of Voorheesville
Erik Deyoe, Town of Bethlehem
John Dzialo, Town of Colonie

Also Present:

Nancy Heinzen, Stormwater Coalition Coordinator
Jack Cunningham, Town of Colonie
Garry Nathan, City of Cohoes
Melissa Ashline-Heil, City of Cohoes
Cody Rogers, Tech Valley High School student and Green Island resident (shadowing program)

Absent:

Mayor John McDonald, City of Cohoes
Bradford Burns, City of Albany
Ken Runion, Town of Guilderland
Thomas Dolin, Town of New Scotland

I. Approval of October 15, 2008 Minutes

Erik Deyoe pointed out a sentence fragment on page three at the end of paragraph 4 that read “As a result,”. The group agreed to strike that sentence from the minutes.

Erik Deyoe moved to approve the minutes with the aforementioned condition; Paul Reuss seconded the motion. The motion passed unanimously.

II. Reports

A. Budget Reports

1. Coalition Account

a. 2009 Budget

The 2009 Budget was distributed in the packets. The right side column shows the percentage of money used; the left side column lists the original appropriations. In between are the shifts in funds. The temporary help line had money left over that was moved to other items in order to avoid losing the

funds to the County. Seven thousand two hundred was shifted to computer supplies and sixteen thousand two hundred twenty was moved to miscellaneous contractual. This is a dump line that provides flexibility in spending. In addition, the social security line needed funds due to an oversight. The executive branch of the county made an executive transfer of \$1,520 into that fund.

Nancy explained the approval process for these transfers: the Coalition approves the funding shifts, then RLA budget amendment is approved by the Conservation Committee and finally the full legislature approves. The county approval is a two month process. These transfers need to be done at the end of the year to avoid losing the money.

Erik Deyoe suggested scheduling Board meetings so the group can decide on these budget transfers. Hon. Alexander Gordon proposed holding one extra meeting at the end of the year. Chairman Sean Ward recommended meeting more frequently because personnel accounts cannot be encumbered year to year. Typically the Board would need to meet in October to vote on personnel issues and December or January for the remaining budget items.

Chairman Sean Ward asked whether the legislature has to approve the creation of a reserve account or transfers. Nancy, whose office shifted from Planning to County DPW, had to explain Coalition finances to a new management group. DPW Commissioner Mike Franchini advised Nancy to discuss the reserve account option with Management and Budget staff.

Others were consulted as well. In particular, the comptroller's office and John Branigan, who has expertise in reserve accounts. All agreed that the best way to handle any remainder – after subtracting future and completed purchases – is to transfer it to a reserve account. However, county officials warned that she could not deposit too much into the reserve account. In addition, the Coalition Board of Directors would need to vote to create a reserve account.

Jack Cunningham advised that the reserve fund account must be earmarked for specific expenditures. Instead, he would characterize the remainder as a fund balance. As there were several questions, Nancy agreed to discuss the matter in greater detail with John Branigan upon his return in March.

Nancy emphasized the need to track every penny to appropriate funds properly. Erik Deyoe sought clarification of how much unencumbered funds remain. Jack Cunningham replied that ~\$20,000 remains as listed on the Status Report which also lists Proposed Encumbrances. Nancy added that outstanding items to purchase for which there is a requisition or contract are table clothes, LIDAR processing, and the MS4 Permit Manager related CBI/FSI Professional Services. The Professional Services contract, in particular requires Board approval.

The following proposed items, for which money needs to be encumbered also require Board approval: a laptop for Nancy for \$1,200 or field notebooks; CBI annual maintenance for \$3,917.24; ESRI Spatial Analyst extension for \$339; door hangers for \$695; brochures on turf management for \$2,800; and ESRI Spatial Analyst training at \$15,000. Chairman Sean Ward pointed out that LIDAR Processing and the ESRI Spatial Analyst training is paid for by a Homeland Security grant.

Therefore, the Board would be voting to ratify two previously executed budget transfers: \$7200 from Temp Help to Computer Supplies line which was submitted as an RLA, and \$1,510 from Conferences to Social Security line, a transfer approved by the County Executive.

Alexander Gordon moved to approve the two budget transfers. James Bulmer seconded the motion which passed unanimously.

Alexander Gordon moved to approve the 2009 encumbrances. James Bulmer seconded the motion which passed unanimously.

Paul Reuss moved to approve the summer graduate intern for the educational program, as proposed in the 2010 budget. Erik Deyoe seconded the motion which passed unanimously.

b. 2010 Budget

Nancy indicated that 2010 membership dues were received from several municipalities. This is the only change in the 2010 budget. No expenditures other than personnel.

2. Stormwater Grant

The grant balance is \$42,801 and outstanding deliverables include various brochures, maintenance cards, a porous asphalt program, and rain garden vegetation with an estimated cost of ~\$18,445, leaving ~\$24,355 to spend on other items. The grant balance is spread out within three encumbrance purchase orders, with \$6,012 also remaining in the 2009 stormwater implementation line.

Alexander Gordon asked if the \$6012 available in the stormwater implementation line needed to be encumbered and therefore Board approval. Nancy indicated that since the County is the lead agency for the grant, the County decides the encumbrances. Alexander Gordon asked if it is official when there is an RLA for the \$6012. Nancy suggested that as this is true for other encumbrances, it is probably true in this case. The Planning Department, coded 8020, is still listed as the managing department. Therefore, the Director of Planning has to sign off on the RLAs.

Alexander Gordon commented on the last minute self-hosting set-up fee for CBI. Nancy explained that this was an oversight by the company, something not included in the original quote. Alexander Gordon suggested trying to negotiate the fee down. Nancy will try, but also points out that the Coalition received a special rate because of our unique circumstance, in that we filed a Joint MS4 Annual Report. Board members viewed the rate more as a consequence of the company's previously undeveloped fee schedule. Members suggested the company forego the first year's maintenance fee.

Chairman Sean Ward asked if the maintenance fee includes all upgrades, which Nancy confirms it does.

Alexander Gordon moved to approve the 2010 budget. Paul Reuss seconded the motion which passed unanimously.

3. Stormwater Grant

Of the remaining grant money (\$24,255), \$18,317 will go towards purchasing the MS4 Permit Manager software, which includes a \$1,500 training fee, and \$1000 to import outfall data. This leaves \$6,038 of grant money available to pay for other items. These other items include adding a button to link AIMS to the MS4 Permit Management System, which costs \$9,800 and the self hosting set up fee of \$10,000. The annual software maintenance fee due next February 2011 will cost \$3,917.

The remaining grant money will pay for some of these items, with the balance coming out of the 2009 Stormwater Coalition budget, with money to be encumbered as described above. Therefore, some of the MS4 Permit Manager software related expenses will come from the Coalition with a greater amount coming from the grant.

B. Coalition Work Plan

1. Sub-committee reports

a. Education and public Participation

Two watershed report cards, which describe water quality in two sub-watersheds of the Normanskill (Krumkill and small tribs near Slingerlands) have been completed and the results will be shared at two events, one in the Town of Guilderland, hosted by the McKownville Improvement Association and the second at Five Rivers Environmental Education Center. Kelly Nolan is the guest speaker at both events and the water quality assessments were commissioned by the Hudson River Estuary Program. The target audience includes residents and planning board members.

The Coalition bought a set of webcasts from the Center for Watershed Protection, each two hours, with Retrofitting and Erosion and Sediment Control the two most recent webcasts. If anyone is interested in viewing these webcasts, Nancy has the passwords. She will also look into the possibility of airing the webcasts on the public access channel.

Guilderland built its rain garden.

Several municipalities have been working with local schools to provide education on stormwater issues. John Dzialo organized a presentation at Colonie's Blue Creek Elementary School and Jerry Gordinier reached out to Voorheesville Elementary. Voorheesville would like to participate in a program we're calling, Getting To Know the Stream Next Door. Also, a Siena College professor expressed an interest in getting her students involved with stormwater related activities.

Alexander Gordon asked how the Coalition notified schools. Nancy indicated that personal connections were important and that activities such as the Hudson River Beach Clean-Up led to discussions about water quality which led to Cody Rogers from Tech Valley High School attending today's meeting and job shadowing John Dzialo from Colonie. As a result, Alexander Gordon proposed involving BOCES in the stormwater education component. Nancy explained that she will first need to research what contractual agreement Ken Barber has with BOCES.

b. Construction and post construction

The construction and post construction General Maintenance Cards are almost ready. Nancy intends to order 1,000 of each card and will send each municipality the cards in an electronic format for their websites. The grant deliverable includes sponsoring a program related to the General Maintenance Cards.

On January 30th, there will be the mandatory 4 hour contractor training in erosion and sediment control. Beginning in June, someone will need to remain on the construction site who has that training. John Dzialo clarified that the regulation only applies to sites over one acre that need an NOI.

c. IDDE Program implementation

1) Outfall Reconnaissance Inventory

Kits were given to the municipalities. However, Nancy questions whether municipalities are using the kits.

2) Albany Internet Mapping System

Nancy held the AIMS two day critique sessions. The sessions had spotty attendance. However, the feedback illustrated that the program is not being used as much as it could be. Feedback also pointed to a need for local training, especially for planning board members. Finally, uploading the CSO Long Term Control Plan infrastructure information is difficult to complete due to technical problems.

Chairman Sean Ward asked if mapping was done from Google Earth. Nancy replied that the AIMS program includes map information similar to Google Earth (aerial imagery), but also more specific information. Alexander Gordon asked if the program uploaded as-built or design drawings. Garry Nathan indicated both were used. Chairman Sean Ward suggested the Coalition should characterize as-builts. He added it will take two years to complete the project. Garry Nathan believes it will take longer.

Nancy explained that CSO and MS4 permits have similar goals and problems (political and DEC requirements) which results in the duplication of work. However, the two permits do not gel. Chairman Ward explicated the problem as two separate DEC departments that do not communicate. Alexander Gordon asked if the Coalition can use the same software for both permits. Nancy explained that it could not now, but that digital map files which describe some of the CSO infrastructure could be incorporated into GIS. It just takes time. The AIMS program will also link to the CBI MS4 Permit Manager software.

Nancy reported that other non-MS4 municipalities would like to join the coalition. She thought it would be a good way to pay for the AIMS program. She asked the Board if they want non-MS4s in the Coalition. If so, the Board would need to specify costs, rights, etc. Chairman Sean Ward had concerns about stretching the Coalitions' resources too thin.

2. Intern Activities

The intern is working on Project Wet kits, brochures, the lending library, and planning the summer program. During the summer she could work full time to manage the summer program. Finally, the intern is finalizing the public service announcements for public access TV.

C. General Updates

1. NYSDEC

Angus Eaton moved to another department in DEC. Therefore it will be a transition this year. In addition, the proposed changes to the MS4 Permit include the ability to make the coalition a single entity rather than separate municipal MS4s. Other additions and changes were made to the NYSDEC Stormwater Design Manual. For example, green infrastructure practices were added and EPA developed effluent guidelines for construction activity. As of August 1, 2011, projects 20 acres or more

cannot exceed 280 NTUs of turbidity. John Dzailo added that on February 2, 2014 the requirements will apply to 10 acres or more. Erik Deyoe elucidated that 1000 NTUs are common in the spring. As a result, his municipality will be jarring grab samples to illustrate 280 NTUs.

Nancy pointed out that the turbidity meter is available for any municipality in the Coalition to borrow.

2. EPA

EPA conducted an MS4 audit of the City of Rensselaer City and the Village of Castleton-On-Hudson.

2. NYCOM and SW Utility Districts

Bob Feller has initiated a discussion with NYCOM and the Association of Towns to develop enabling legislation authorizing stormwater utility districts. This is important to local governments that must handle stormwater without any available funding stream to pay for the efforts. Chairman Sean Ward explained that the concept has not yet caught on because it is adding another layer of government at a time when people want to strip away government.

III. Discussion and Decisions

A. Board Appointments and Chairperson position

As a reminder each municipal Board must appoint the Board of Director's members. Chairman Sean Ward suggested that the group may want to consider changing the by-laws to permit selection of an alternate. Today's meeting came close to disbanding for a lack of quorum.

B. Ratification of Chairman and Board E-Mail Decisions

Alexander Gordon nominated Chairman Sean Ward to continue to act as chairman. Paul Reuss seconded the motion which passed unanimously.

C. CBI MS4 Permit Manager Software and AIMS Integration Purchase

See Budget discussion.

D. Stormwater Coalition Account

See Budget Discussion.

E. Intermunicipal Agreement Adjustments

Chairman Sean Ward suggested sending the by-laws to each municipal board to determine if there are needed changes. The Board of Directors can then approve any changes at the next meeting. Nancy added that the by-laws should also resolve some of the existing tension between the County rules and the local rules. Erik Deyoe suggested tapping into the municipal attorneys for in-kind services.

F. AIMS Revenue Line

See Budget Discussion.

IV. Close of Meeting

The next Board of Director's meeting is scheduled for Thursday, March 18th, 2010 at 8:30am in the Green Island facility at 19 George Street. Paul Reuss moved to adjourn at 10am; Erik Deyoe seconded the motion which passed unanimously.

Minutes approved by the Board of Directors on March 18, 2010.