

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

**Minutes**

**Friday, September 19, 2014**

**Village of Green Island**

**19 George Street**

**8:55am to 10:15am**

**Board of Directors Attending:**

Maryella Davenport, City of Albany (Board Alternate)

Erik Deyoe, Town of Bethlehem

George Primeau, City of Cohoes

Garry Nathan, City of Cohoes (Board Alternate)

John Dzialo, Town of Colonie

Sean Ward, Village of Green Island, Chairman

Ken D'Arpino, Town of Guilderland

Thomas Dolin, Town of New Scotland

**Board of Directors Absent:**

Dennis Feeney, Albany County

Jeff Coffey, City of Albany

Jeff Moller, Village of Altamont

Les Decker, Village of Colonie

Paul Reuss, Village of Menands

Dave Dressel, City of Watervliet

**Also Present:**

Nancy Heinzen, Stormwater Program Coordinator, Coalition

Frank Fazio, University at Albany-SUNY (Working Group Representative)

Karl Kiltz, University at Albany-SUNY, Director Code Administration

Lisa Merwin, City of Albany, Department of Water and Water Supply

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

Meeting Called to Order at 8:55am.

- I. Approval of June 20, 2014 Minutes.
  - Garry Nathan moved to approve the minutes. Maryella Davenport seconded the motion, which passed unanimously.
  
- II. Reports
  - a. Coalition Administration
    - i. 2014 Budget Report

Money (\$5,283) was moved from the Tech Admin line to Temp Help to pay for part time staff member (Kim Moshier). There is \$14,413 in Accrued Vacation line which, according to County Management and Budget, will roll over into the reserve. This line does not get charged when vacation is taken. There is \$1,600 encumbered in the Computer

Equipment line, to be used for a new server. Current balance for Office Supplies is \$2,755, enough to cover color printer maintenance, resupply of ORI kits, paper, and to possibly transfer money into the Postage line, which is running low. Spent \$670 from Conferences and Training line for Center for Watershed Protection webcasts; some members will be using balance of \$830 for 4 Hr Erosion & Sediment Control Training and Fall conferences. Once updated, the Coalition will need color copies of invasive species document; the balance of \$457 in Printing and Advertising line is intended for that. Unspent money in Equipment Repair and Rental (copier lease) will roll into the reserve, along with \$1,908 noted in the County Share/General Fund line, which represents adjustments in fringe expenses charged to the Coalition account.

ii. Approved 2015 Budget

All of the Coalition members returned their 2015 Statement of Intent Form; everyone has committed to the Coalition for another year. The current reserve is \$15,096. By April 2015, Nancy estimates that the Coalition will minimally have ~\$52,000 in the reserve (\$15,096 + Unspent \$ from 2014, in particular \$14,413 Accrued Vacation and \$22,896 Stormwater Replenish). There will be additional money from other partially spent 2014 budget lines. A discussion followed regarding the reserve which reflects an earlier discussion about staff support for audits.

Garry Nathan (City of Cohoes) believes that the Coalition should help with audits. He suggested taking money out of the reserve to either hire a temporary staff person or to increase the number of hours of current, part-time staff. This would help prevent staff from ignoring other commitments when audits come along.

Sean Ward suggested a summer intern through the Albany County summer intern program. They are paid ~\$12/hr.

Nancy Heinzen explained that it takes time to hire and train someone and that there's not always a guaranteed temporary staff person waiting in the wings. Consequently, the availability of Temp Help, either a student intern or part time administrative staff may not match the unpredictable timing of an audit.

Frank Fazio asked if it's worth it to go to each MS4 to see what they are or are not doing; this way last minute audit problems revealed prior to an audit could be prevented.

The Town of Colonie, Town of Guilderland, and Town of Bethlehem all say that they will not likely be able to put any additional money into the Stormwater Coalition, but that they are also not getting push-back from their municipal officials. This means that increasing membership dues to address these staffing concerns is unlikely.

iii. Staffing Update

Kim Moshier has been hired as Temp Help staff until the money left over from the Stormwater Program Technician line is depleted. [NH Note: At the time Kim was hired, she was not enrolled in a Master's program, therefore did not meet the job specifications of the Coalition civil service job title "Tech/Adm Assistant-GIS/GPS Student Intern". Therefore she was hired using the civil service Coalition job title "Water Quality Educator" developed in 2009.]

iv. Proposed 2015 Meeting Schedule-Coalition and Working Group

Meeting dates are being moved to accommodate the City of Albany Water Board meeting. Nothing decided, but proposed meeting dates assumed to be acceptable to everyone.

b. Stormwater Permits Updates

i. MS4 Permit: EPA Audits.

No update. The meeting started late and this was dropped from the agenda.

ii. Construction Activity Permit: Coalition Comment Letter

No update. The meeting started late and this was dropped from the agenda.

c. Coalition 2014 Work Plan and SWMP Update

i. BMP Priorities-All Coalition Members (Sept to Dec)

1. BMP 2-11 WAVE: The Plan

- a. As discussed with NYSDEC Region 4 staff, Nancy needs to draft a Coalition-wide plan which describes how each Coalition member will participate in WAVE stream monitoring program. Nancy has yet to write the plan.

2. BMP 4-2 and 5-5 Procedures Support

- a. Nancy is developing a template for procedures.

3. BMP 3-2 Coalition Stormwater Mapper (AIMS): GIS Layers; Server Purchase; What next?

- a. AIMS will be updated in the coming weeks with new hydrography information, tax parcel boundaries, and other infrastructure data.  
b. FEMA flood maps, once finalized will be posted.

4. BMP 5-6 Muni, PB, ZB Training-LID/BSD/GI-Coalition

- a. GI Design Constraints Lesson Plan-no progress

5. BMP 6-1/6-2 Inventory/Assessment-Muni Facilities & Operations-SWC Self Audit Form

- a. The Coalition Facility Self-Audit Form was released in August and posted on the Coalition website. It reflects how EPA conducts facility audits and combines two other audit forms

(Monroe County, NY and LA County/Albany County DPW Form)  
into one form.

6. 6-9 Staff Training
  - a. NYSDEC Training for Coalition Members
    - i. Facility Self Audits (Village of Green Island-June)
    - ii. SWMPP Review Procedures/Organizational Charts/Other Procedures (T/New Scotland-June)
  - b. In House WAVE Monitoring (T/Colonie-August)
  - c. In House Albany Ave Tour Filterra Green Infrastructure Practice (Village of Green Island-August)

7. BMP 7-1 Stormwater Coalition Management (Office Reorg); Inter-municipal Agmt
  - a. The Stormwater Coalition office filing system has been reorganized to match the Joint SWMP document and related BMPs

- ii. BMP Priorities-Individual Coalition Members-Points (Sept to December)
  1. City of Albany  
The City of Albany is requesting future assistance with educational programs, CBI, and GIS.
  2. Village of Menands  
Facility audits will begin in the Village soon.
  3. City of Watervliet  
Nancy and Christina have been working on the facility audits and using the experience to create the Stormwater Coalition (SWC) Self Audit Form. ~85% of the facilities have been audited. There is currently a filled in SWC form for each facility, map of the facility, photographs, and draft BMP Summary Sheets.
  4. Albany County  
No activity.

### III. Discussion

- a. Coalition Staff Work Log-Activities, Hours, and Point Allocation

[Note: This discussion took place prior to the start of the meeting, 8:30am, no quorum.]

- i. Description of Work Logs: Purpose & Issues

Nancy reviewed how the points system evolved, reminding everyone of the calculation used in 2014 to figure out how much a point was worth (\$4,953) and how much labor that would buy (128 hours). The assumption then was that the second staff person, starting in January, 2014 would generally work for those municipalities who purchased additional points. In fact, the second full time staff person, Christina Chiappetta began work in early March, 2014 (job title, Stormwater Program Technician) and depending on the work at hand, both Nancy and Christina provide "point" services to Coalition members

Now six months into the “point” system, some accounting issues have come up. Unclear is how best to match the “point” hours requested with the actual work completed by Coalition staff, particularly when some of the work benefits all Coalition members, not just the municipality paying for additional points.

Also, what happens if the year ends and for various reasons Coalition members have not received all of their “point” hours? Do these roll over into the next year?

To help sort out these issues and better understand how much time MS4 Permit implementation really takes, work logs have been developed for each municipality. Using the Town of New Scotland log as an example, Nancy explained that the log is organized by municipal name and tracks how many hours are spent in the field, in the office, traveling back and forth, doing what, by whom, Nancy or Christina. The total hours can then be categorized as claimable towards the point hours, or not. Nancy proposed that by providing a thorough picture of work completed to date, individual members in consultation with Coalition staff could decide what of the work completed seemed to be a fair allocation of Coalition staff time “billable” to the “point” hours requested.

Nancy pointed out tasks highlighted in the work logs which could go either way. In particular she mentioned EPA and DEC audits. By sitting in on all audits to date (EPA and DEC) Nancy has been able to better prepare other municipalities for their audits and use that information to help guide program priorities for all members. Should that “sitting in” time be billed to the City of Albany and Town of New Scotland or is audit support of any kind, a routine Coalition service (Core Task) provided to all members?

Another example is the Village of Altamont which did not purchase additional points. Should Coalition staff help them map outfalls, recognizing here that they are a new MS4, unfamiliar with mapping requirements. It’s easy for Coalition staff to complete the mapping and complicated for the Village. Does their membership fee entitle them to this kind of support?

ii. Points Policy to Date (2014 and 2015?): What makes sense?

Nancy Heinzen suggests doing additional work that is not ‘point based’ but project based instead. Nothing was decided about this.

[Note: The Board Meeting was called to order at 8:55am and this pre-meeting discussion ended. Portions were picked up in a subsequent discussion related to the Coalition reserve.]

b. Coalition Inter-municipal Agreement (2016 to \_\_)

i. Timetable and Considerations

The MS4 Permit includes a description of a “Single Entity” which details criteria to be met if a group of municipalities chooses to function as a Single Entity. A careful reading of the Permit suggests that the Coalition, for select Minimum Control Measures, may be able to function as a Single Entity. If so, this could eliminate some of the confusion made clear during audits, namely that work performed by Coalition staff of benefit to all Members, unless it takes place directly within the boundaries of the regulated MS4 is marginalized by auditors.

For example, school programs implemented by Coalition staff, unless they take place directly within the boundaries of a particular MS4, are not considered part of an individual MS4 program. So, even though membership dues support the work of Coalition staff, the location of an event matters more than the substance and reach of the event.

To illustrate how a Single Entity might function, Nancy presented a concept piece (spreadsheet) explaining which MCMs and BMPs as itemized in the Storm Water Management Program Plan (SWMP Plan) might best be handled as a Single Entity or by individual MS4s. The proposed sorting out was based on Nancy’s familiarity with individual MS4 programs, the SWMP Plan, and various grant projects over multiple years. This helped move the discussion along.

Nancy also mentioned Mary Barrie’s interest (DEC Region 4) in having us pursue this topic directly with DEC Central Office. Mary, as an auditor is well familiar with the work of the Coalition and is sympathetic to our concerns and frustrations. She is also familiar with the timeliness of this consideration. The Coalition intermunicipal agreement expires 12/31/2015 and should any aspect of forming a Single Entity have merit, the substance would most likely need to be included in any revisions of the inter-municipal agreement.

There were several questions and comments. Garry Nathan asked if NYSDEC would be comfortable with a single entity IMA. Maryella Davenport asked about filing an NOT (Notice of Termination), would that be necessary for all MCMs, some MCMS? Would that affect the status of a single entity? Garry and Maryella also suggested filing a NOI (Notice of Intent) for the Coalition as a single entity and to see what happens. They questioned NYSDECs ability to move quickly on a decision and just doing it might be the best way to go forward.

Erik Deyoe suggested that the Coalition is pointless if regulators fail to recognize that we work collaboratively. MCM1 and MCM 2 in particular are best implemented as a single entity and unless recognized as such

legally, within the framework of the MS4 permit, the continued diversion of municipal resources to support the Coalition is unlikely.

Nancy mentioned other problems now facing the Coalition which the single entity option might help to address. Currently there is no year to year certainty that the Coalition will exist, making it hard to develop and implement a long term program plan confident that the necessary staffing and resources will be in place. By clearly matching Coalition work to a Single Entity responsible for named minimum control measures, subject to the scrutiny of auditors, there is less ambiguity about the purpose of the Coalition. That need for certainty sets the stage for a more enduring way to pay for and structure the work of the Coalition so that all Coalition members are in compliance and well positioned to address permit expectations over time.

Nancy asked if it was worth meeting with NYSDEC to discuss the Single Entity option. Sean Ward, John Dzialo, Maryella Davenport, Erik Deyoe, and Frank Fazio all said they would like to participate in the meeting. There followed a discussion of how best to proceed and what kind of meeting needed to happen when, with whom from DEC. This first meeting was thought to be more exploratory, focusing on lower level DEC staff, mostly as a way to introduce the topic and point out our thinking to date. Most thought it would be helpful to have multiple NYS DEC staff at this discussion.

ii. What next?

Nancy will call Mary Barrie to explain that the Coalition is serious about pursuing the Single Entity option and work with Mary to organize an initial meeting with the appropriate NYSDEC staff. Sean Ward offered to call the Deputy Commissioner of NYSDEC as needed. Erik Deyoe and others summarized the points to make to NYSDEC, in particular that the Stormwater Coalition has been working together for ~8 years, yet the collaboration has not been clearly recognized by auditors. Consequently, the Coalition is pursuing an alternate structure to address this problem, believing that the status of collaborative MS4 Permit implementation needs to be clarified so that we can work more efficiently and effectively over time.

The next Board Meeting is January 16, 2015 in the Village of Green Island at 8:30am.

Sean Ward made a motion to adjourn the meeting which was seconded by John Dzialo and passed unanimously by Board Members.

*These minutes were approved at the January 16, 2015 Stormwater Coalition Board Meeting.*