

Albany CSO Pool Communities Corporation

Capital District Regional Planning Commission
One Park Place, Suite 102,
Albany NY 12205
Tel: (518) 453-0850

Minutes of Board of Directors Meeting Thursday, May 12, 2016

Present:

Martin Daley – CDRPC Staff
Rocco Ferraro – CDRPC Staff
Donna Reinhart – CDRPC Staff
Jeanine Rogers Caruso – Fiscal Advisors
Mike Miller – Albany Pool Joint Venture Team (CHA)
Bill Simcoe – City of Albany Department of Water & Water Supply
Chris Quirk – City of Albany Department of Water & Water Supply
Rich Lyons – Albany County Sewer District
Tim Murphy – Albany County Sewer District
Chris Wheland – City of Troy
Garry Nathan – City of Cohoes
Jeremy Smith – City of Watervliet
Dave Dressel – City of Watervliet
Mark Hendricks – City of Rensselaer
Gerry Moscinski – Rensselaer County Sewer District
Maggie Alix – Village of Green Island

I. Call to Order/Roll Call

Rich Lyons called the meeting to order at 11:00 AM

II. Reading and Approval of Minutes of April 14, 2016

The minutes were distributed before the meeting and no changes were made.

Action Taken

Chris Wheland made a motion to approve the April 14, 2016 meetings and Garry Nathan seconded. The motion was approved unanimously.

III. Sewage Pollution Right to Know Act Update (SPRTK)

Regulations regarding the notification of permitted CSO outfall discharges during wet weather will take effect this summer (DEC does not yet have the date available). There is also a \$50,000 SPRTK grant available. Martin inquired to DEC about whether the Pool would be able to share multiple grants and if those grants could be used to integrate and automate the Pool Website and NYAlert. NYALERT is not capable of being automated, and all data on overflow must be entered manually into the system. Also, the grant cannot be multiplied for one application for multiple communities. The Pool could centralize reporting to one entity, Pool-wide, if they elected. That one report could provide alerts and estimated volumes for the entire Pool for both the Mohawk and Hudson waterbodies. Duration is not a requirement under SPRTK for CSOs. The Pool communities could apply to flow monitoring equipment if they desired. After some discussion, it was determined that each of the Pool Communities would report CSOs individually and there was no interest in applying for the SPRTK grants at this time.

IV. Operations, Maintenance and Inspection Plan (OM&I) and Asset Management Plan

CDRPC and the Joint Venture Team is working on a re-submittal of the OM&I Plan to respond to comments received from DEC and through the collection of additional data from the communities. There is some overlap between the elements of the OM&I Plan and Asset Management Plans which have made the development of the OM&I Plan difficult to update quickly. The team will be working expeditiously to gather community data, characterize Plan differences, and complete for resubmit to DEC.

Regarding Asset Management, the City of Albany continues to work on their plan, which will likely be the most sophisticated of the “west side” communities plans. As soon as Albany has a framework in place, they will share the framework with the remaining three communities.

V. Post Construction Compliance Monitoring Program (PCCMP)

The Joint Venture Team has prepared a sampling plan and estimated fee schedule of year 2 of the PCCMP. The estimated cost of the sampling is slightly lower for year two. The Receiving Water Quality Sampling Plan and Training do not need to be duplicated. Not included in the Plan or costs are the extra sampling and analysis that ACSD will be undertaking at no charge immediately after rain events to collect data on how quickly the receiving water returns to compliance (“return time”) times. In the first year of the sampling program there was only one dilution of the samples for fecal coliform. The APJVT is proposing to run 4 dilutions per sample in year two in order to get more robust data. Fewer samples will be processed in year two (496 samples as opposed to 672) because of the lack of need to have dry runs of the program. Because this is the second year of the program, there is a \$2500 savings in the Quality Assurance and Quality Control line and \$9500 savings for the Assessment lines compared to 2015. Extra dilutions will raise the estimated lab fees \$5000 over last year’s estimated cost.

The APJVT proposes to complete the following scope of services:

- Task 1 – Data Review & Quality Assurance/Quality Control
- Task 2 – Water Quality Assessment

- Task 3 – Laboratory Analysis and Coordination

The estimated budget for year 2 of the PCCMP will be \$103,500.

VI. Credit Update

Jeanine Rogers Caruso continues to work with Martin and Joe Scott on credits due to the communities as well as figuring out past credits. The next steps are to set up a meeting to establish a deadline for credits and to verify community credits from pre-Order projects.

VII. EFC Updates

Albany and Troy continue to work with EFC to close on the financing of their shares of the LTCP projects.

There is no plan at this time to rebid for consultant services because the relationship between the communities and service providers has not changed. MWBE and DBE requirements on future contracts will be adhered to. Staff believes that subcontracting out services for MWBE and DBE participation will be costly and threaten project deadlines. Thus, consultants will need to submit MWBE plans and waiver requests to Troy and Albany (Troy will submit on behalf of both parties). Bill Simcoe expressed concern that all consultant contracts will need to be amended with EFC non-construction contract language prior to any EFC disbursement for costs incurred by existing technical support service providers.

VIII. Consultant Services Expenditures to Date

Martin distribute a spreadsheet detailing the 6-month budget report for the FY2016 Albany Pool Communities CSO LTCP Support Services Through March spreadsheet to go over with the communities. Most line items are on track, some slightly over, most under. The expenses for the 2016 season of the PCCMP won't begin to accrue until the end of the corporation's fiscal year. There is concern for the increase in expenditures associated with Beveridge and Diamond legal services for 2016. The budget amount for legal services is \$100,000. As of the end to February, 2016, the percent expended under the legal services budget line is 92% of budget for APC project assistance legal services. The costs incurred include expenses related to continued guidance for the LDC and issuance of new CSO permits

Martin inquired with the communities if hiring a general counsel for routine LDC matters outside of the consent order would be helpful. The communities requested more information on where costs have gone. Moving forward, Martin will itemize how much Beveridge and Diamond has spent on certain projects. Martin will discuss further with the communities at the June meeting and whether we need an RFP for general counsel.

Interviews are being held this week for a part-time financial officer for CDRPC. The financial officer will be responsible for maintaining the financial records for the CSO

program as well as the Clean Energy Community Program, a grant we received from NYSERDA. Martin will update the Board at the next meeting.

CDRPC hired Andrew Gillcrist as an intern who will be working with Martin on the CSO project. Andrew is a graduate student from UAlbany and will start next week.

IX. Consultant Invoices

Martin requested approval for the following invoices:

- Albany Pool Joint Venture Team for November, 2015 through March, 2016 in the amount of \$71,885.23
- Barton & Loguidice for March, 2016 in the amount of \$7,616.50
- CDRPC for January – March 2016 in the amount of \$45,351.13
- Hodgson Russ for January – March 2016 in the amount of \$3,932.00

Action Taken

Jeremy Smith made a motion to approve payment of all consultant invoices and Bill Simcoe seconded. The motion was approved unanimously.

X. Amended 2016 Budget

A 2016 Proposed Amended Budget spreadsheet was provided to the Board before the meeting. Martin went over each proposed change with the Board.

Jeremy Smith reported there was some delay in implementing their Rte. 32 project and that construction of the project would likely take place in the summer of 2017, instead of 2016. The Order's construction deadline for this project is 12/15/17.

After discussion, the Board determined it was better to not amend the budget and instead establish a separate capital budget for projects and a separate operating budget for the FY2017 of the Corporation and that the board not amend the FY2016 budget, and not to bring it up for vote. No action was taken.

The Corporation's 2017 Budget is due to the Authority Budget Office August 1, 2017.

XI. Discussion on Payments and Process

Albany and Troy do not yet have finance agreements in place, but the communities will need to develop a system for how invoices are received, reviewed, processed and paid. Because EFC can typically process payments quickly, it was proposed that once a community receives an invoice that the invoice is sent to Albany, Troy, and CDRPC for submission to EFC and review by the board. Following EFC review and approval, the agency could deposit funds to the LDC account. On a parallel track, the LDC would approve the expenditure and, matching EFC payments and community contributions, provide the host community with funding needed to pay the invoice. Once Albany and

Troy close on financing Martin will reach out to EFC again to confirm this process. It would be simpler to have one submittal to EFC.

XII. Other Business

Martin and Rocky will work with Joe Scott to set up meeting to review a process for settling credits.

XIII. Adjournment

Chris Wheland made a motion to adjourn the meeting and Bill Simcoe seconded. The motion was approved unanimously.

The next LDC meeting is scheduled for Thursday, June 11 at 11:00 am.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Jeremy Smith", written over the printed name below.

Jeremy Smith, Secretary