

COMMISSION MEETING

March 19, 2014
CDRPC Conference Room
One Park Place, Suite 102
Albany, New York 12205

Minutes

PRESENT: Michael Morelli, Kristin Swinton, Judy Breselor, Stan Brownell, James Shaughnessy, Phil Barrett, Jason Kemper, John Murray, Don Ackerman, Gary Hughes, Joe Landry, Barbara Mauro

ABSENT: Bill Bruce, Lucille McKnight, Michael Whalen, Michael Stammel, Fred Acunto, Paul Sausville, Matthew Martin

1. Welcome New Board Member/Introduction of Guests

The Rensselaer County Legislature is planning to appoint someone who expressed interest in serving on CDRPC Commission. Judy Breselor will inform Rocky of the new Commissioner before the May meeting.

There were no guests in attendance.

2. January 15, 2014 Meeting Minutes

The meeting minutes were distributed before the meeting. No corrections were made.

Action Taken

Don Ackerman made a motion to approve the meeting minutes and Gary Hughes seconded. The motion was approved unanimously.

3. Financial Statement through December 31, 2013

For the year, the revenues are at 100.7% of the approved budget and expenses are at 93.9%. The revenues are high due to the work activities related to the management of the CSO project which has increased significantly.

The UPWP activities were less than anticipated due to delays in getting the data from the Census Bureau to prepare the regional employment projections. That money has been rolled over into 2014. On the expenses, the salaries line item had a balance since Deb Shannon left in August and the position was not filled until November.

In order to balance the 2013 budget, it was anticipated that \$3,000 would be taken from the Fund Balance, however the year ended with a surplus of \$47,405.57. Based on the income statement for 2013, the January 1, 2014 unaudited Fund Balance is \$357,793.38.

These are the financial records that will be provided to the auditor as part of the 2013 audit. A final audited financial statement will be prepared and presented to the Commission at the July 2014 Board meeting

Action Taken

Gary Hughes made a motion to approve the financial statement and Judy Breselor seconded. The motion was approved unanimously.

4. Financial Statement through February 28, 2014

The financial statement represents activities through February 28, 2014. The expenses are greater than what is expected due to the annual GIS software license to ESRI for renewal and annual premiums payments for insurance were paid. The rent and health insurance expense reflects three months worth of payments.

There is approximately \$160,345.00 cash in the bank and outstanding receivables totaling \$145,576.31.

Action Taken

Stan Brownell made a motion to approve the 2014 financial statements and Jason Kemper seconded. The motion was approved unanimously.

5. Establishment of FOIL Policy

CDRPC has not had a FOIL policy in place and until recently, a FOIL request had never been made to the Commission that Rocky was aware of. Rocky has received two in the last six months, both related to the Combined Sewer Overflow Plan. The first request was last year by the Times Union requesting information related to the negotiations with NYS DEC. After discussing the issue with the CSO and DEC legal counsels, the FOIL request was refused due to the confidentiality of the information. The Times Union did eventually get some of the requested information from DEC.

The second FOIL request came from the Town of Brunswick requesting modeling data specific to the City of Troy used in the preparation of the Long Term Control Plan. The request was initially refused because that information was not part of the deliverables called for in the Scope of Work and the data was not available in the form requested. An appeal was made by the Town of Brunswick and after clarification about the type of data requested, it was determined that a special data run could be made and be provided to the Town. A letter was sent from CDRPC to the Town of Brunswick agreeing to provide electronic copies of the requested files after receiving payment of \$500 for reproduction of the files. The Town of Brunswick is satisfied with the format that the data will be provided and will be sending payment for the files to CDRPC.

Rocky would like to establish a FOIL procedure to assure future compliance with FOIL. A draft of the proposed FOIL procedures based on a template prepared by The Committee on Open Government was given to the Board to review.

Rocky is requesting Commission action to adopt the proposed *Public Access to Records of Capital District Regional Planning Commission* procedures in conformance with FOIL requirements.

Barbara Mauro inquired if the Board can take some time to review the proposed document and adopt at the next meeting.

Mike Morelli asked if we can still charge Town of Brunswick for the documents requested without a formal policy in place. CDRPC followed State Laws regarding FOIL procedures in this request and can charge the fee to the Town of Brunswick. The attorneys for the CSO strongly urge CDRPC to get a FOIL policy in place in the event of another FOIL request.

After a lengthy discussion, Barbara Mauro suggested the following changes to the proposed *Public Access to Records of Capital District Regional Planning Commission*:

- Section 1 *Purpose and Scope* - delete (a) and (d)
- Section 1 (a) - change the word Regulations to Policy
- Section 2 *Designation of records access officer* and Section 7 *Denial of access to records and Model Public Notice* - delete individual names listed and only state the position

Jim Shaughnessy inquired with Michael Hall, Legal Counsel, if CDRPC should have a FOIL Policy in place in addition to the FOIL Law. Michael Hall added that some form of a FOIL Policy would be appropriate.

Action Taken

Barbara Mauro made a motion to make the above amendments to the proposed FOIL Policy and Kristin Swinton seconded the motion. The motion was approved unanimously.

Judy Breselor made a motion to approve the amended proposed FOIL Policy and Jason Kemper seconded. The motion was approved unanimously.

6. Financial Manager Position

CDRPC has taken on increased responsibilities associated with managing the Combined Sewer Overflow study creating a need for a part time financial officer. In addition to being responsible for the LTCP financial records, the financial officer will also be responsible for maintaining CDRPC and CDYCI financial records.

The position was advertised and three applicants were interviewed. Jack Murray, Board Chair participated in two of the interviews. From those three interviews, Timothy Canty, CPA has been selected and offered the position as part time Financial Officer pending confirmation by the Board. Mr. Canty presently works full time as an auditor for the

New York State Public Service Commission and will start his position as Financial Officer at CDRPC on March 21, 2014.

7. LTCP CSO Memo

CDRPC has been successful in securing an \$850,000 award from the NYS Department of State Local Government Efficiency grant program that will cover the professional services costs to develop a governance structure and entity that will provide guidance to the six communities and two sewer districts. The grant will fund the creation of a Local Development Corporation responsible for administration and oversight of the LTCP implementation, operation, and maintenance as well as fund the creation of a Capital Improvements Plan and Financial Plan.

The Pool Communities have selected a Bond Counsel, Hodgeson Russ, to provide legal advisory services and other assistance as necessary with respect to the issuance of general obligation debt to pay for the capital improvements outlined in the Plan.

8. Staff Activity Report

There will be a Planning & Zoning workshop on May 21, 2014 at Hudson Valley Community College from 8:30am to 3:00pm. A "Save the Date" notice will be sent out by the end of this week.

Rocky announced that Joanna King will be leaving CDRPC in April and relocating to North Carolina. Joanna has been a tremendous asset to the staff and will be greatly missed. The position for Assistant Planner has been advertised and Rocky will begin interviewing six candidates starting this week.

9. Other Business

Stan Brownell commended Rocky and Martin Daley on a very concise overview of the CSO presentation to the Rensselaer County Legislature.

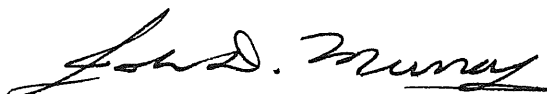
10. Next Commission Meeting

The next CDRPC Commission meeting is scheduled for May 21, 2014 at 8:30am.

Adjournment

Jason Kemper made a motion to adjourn the meeting and Phil Barrett seconded. The motion was approved unanimously.

Respectfully submitted,



John Murray
Chair