

# Albany CSO Pool Communities Corporation

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

Governance Committee Members: Richard Lyons, Bill Simcoe, Garry Nathan, Sean Ward, Mark Hendricks

## Governance Committee Meeting Monday, January 23, 2017 10:00am

### Committee Members Present:

Rich Lyons – Albany County Sewer District  
Bill Simcoe – City of Albany  
Garry Nathan – City of Cohoes  
Sean Ward – Village of Green Island  
Mark Hendricks – City of Rensselaer

### Also Present:

Martin Daley – CDRPC Staff  
Mark Castiglione – CDRPC Staff (by phone)  
Donna Reinhart – CDRPC Staff  
Maggie Alix – Village of Green Island  
Chris Wheland – City of Troy  
Rob Ostapczuk – APJVT (Arcadis)  
AJ Brooks - APJVT (Arcadis)

### I. Call to Order/Roll Call

Rich Lyons called the meeting to order at 10:00AM. All committee members were present.

### II. Reading and Approval of Minutes of November 16, 2016\*

The Minutes of November 16, 2016 were distributed prior to the meeting and no changes were made.

**Action Taken:**

Sean Ward made a motion to approve the meeting minutes of November 16, 2016 and was seconded by Garry Nathan. Motion was approved unanimously.

**III. Corporation actions, policies related to letting bids**

At the January 12, 2017 Corporation Board Meeting, there were concerns expressed by about whether the Corporation should or would be in a position to let construction contracts, specifically the joint construction contract for the “regulators” projects in Cohoes, Watervliet, and Green Island.

There was concern about precedent setting without Corporation policies in place to let the construction contract. There was also concern that approach would be the most cost-effective, given some of the requirements to have legal review of the contracts and proper construction insurance were not formalized. Bill Simcoe expressed his concerns potential duplication of effort and costs related to the Corporation's potential role in legal review of the bid documents, opening, award, and contracts. The Committee members believed that the cost of obtaining the appropriate insurance coverage that would enable the Corporation to manage the construction contracts would add significant expense to the operations of the program, and be duplicative in large part to insurance coverages the municipalities hold on their own. Furthermore, it was determined that the complexities of transferring ownership of materials from the Corporation to the municipalities and future liability to the Corporation should a constructed project fail would further reduce the anticipated efficiencies and negate overall cost savings.

After discussing community concerns and significant hurdles to barriers to properly advancing the collective project construction under Corporation control, the Corporation's Governance Committee determined it was more appropriate, in this circumstance, to advance the individual projects by the host communities – with separate bids and contracts. The engineering team is working to develop bid specs that would still permit the award to a single contractor if there's significant savings to be realized, but the projects would still need to be under community contracts.

Sean Ward suggested increasing the defense coverage on the Corporation's insurance policy from \$50,000 per occurrence to possibly

\$100,000 or \$200,000. The current policy covers \$50,000 per occurrence and \$100,000 overall. Martin will look into extending this coverage.

After discussion the Governance Committee determined that it would recommend the communities advance these regulator projects individually and the Corporation not let the Bid.

**Action Taken**

Bill Simcoe made a motion that the board take no action on bidding the construction contracts, instead depending on community bids for the Regulators project. Mark Hendricks seconded. The motion was approved unanimously.

**IV. Adjournment**

Chris Wheland made a motion to adjourn the meeting and Bill Simcoe seconded. The motion was approved unanimously. The meeting adjourned at 10:45am.