

CAPITAL DISTRICT REGIONAL PLANNING COMMISSION

COMMISSION MEETING

March 16, 2005, 8:30am
CDRPC Conference Room
One Park Place
Albany, New York 12205

MINUTES

PRESENT: *Board Members:* Willard Bruce, Henry Dennis, John Graziano, Stan Brownell, Jayne Regan Harris, Edward Patanian, James Shaughnessy, Mike Stammel, Fred Acunto, Philip Barrett, Christopher Callaghan, Spencer Hellwig, John Murray, Raymond Gillen, Barbara Mauro, Michael Petta, David Vincent
Staff: Rocky Ferraro, David Lang Wardle, Leif Engstrom, Todd Fabozzi, Donna Dillenbeck

ABSENT: Betty Barnette, Lucille McKnight, Gary Hughes

PRESIDING: Stan Brownell, Chair, called the meeting to order at 8:30am.

1. WELCOME/INTRODUCTION OF GUESTS

Henry Dennis introduced Willard Bruce as a new Commissioner representing Albany County. John Poorman from CDTC, Sean Maguire from the Albany County Department of Economic Development & Planning and Melinda Mulawka from Albany County Executive's Office attended the meeting.

2. JANUARY 19, 2005 MEETING MINUTES

Copies of the January 19th minutes were distributed before the meeting. No changes were made.

Action Taken

Fred Acunto made a motion to accept the minutes and John Murray seconded. The motion was accepted unanimously.

3. FINANCIAL STATEMENT THROUGH FEBRUARY 28, 2005

Rocky reported that this statement represents the first two months of activity. Invoices were sent out to each of the four counties. Albany and Rensselaer Counties pay semi-annually while Saratoga and Schenectady Counties are billed quarterly.

The percent of year to date expenses for membership is greater than what was expected due to two agency memberships annual dues increasing. The National Association of Regional Councils (NARC) increased \$250 to \$1,000 and a \$150 increase to \$1100 for the Foreign

CAPITAL DISTRICT REGIONAL PLANNING COMMISSION

Trade Zone. All annual dues were paid to all the membership organizations that CDRPC is a member.

Checks have been received since the commission mailing and receivables have been reduced to about \$50,000.

David Vincent inquired if we were approaching the 3 months operating revenue reserve. Rocky responded that we have not had a cash flow problem in recent past, however the low points are primarily in January and August because that's when the billings are done.

Chris Callaghan asked when the Final 2004 Financial Statement would be available. In the past the final statement was provided as part of the audit. However, Rocky will e-mail to each Commissioner, the un-audited 2004 Financial Statements.

Action Taken

Henry Dennis made a motion to accept the Financial Statement, and Jayne Regan Harris seconded. The motion was approved unanimously.

4. 2004 AUDIT PROPOSAL

Rocky informed the Board that the proposal from Dorfman-Robbie has been received to prepare the annual audit for 2004. The proposed fee is \$6500, an increase of \$800 from last year. The reason for the increase is a management discussion analysis must be provided in the report and CDRPC is required to maintain an inventory of fixed assets for depreciation assigned with a cost value.

Rocky recommended that the Board enter into a contract with Dorfman-Robbie to prepare the 2004 Audit.

Fred Acunto asked if there were any other proposals received to prepare the audit. Rocky responded that an RFQ was not done for this audit. Chris Callaghan suggested an RFQ be put out for the 2005 Audit for competitive proposals in November or December.

Action Taken

Chris Callaghan made a motion to accept Dorfman-Robbie's proposal to do the 2004 Audit and Jayne Regan Harris seconded. The motion was approved unanimously.

5. COMBINED SEWER OVERFLOW UPDATE

Rocky mentioned that a meeting was held on March 2nd to go over a draft Scope of Work that was submitted by the consultant Team for Part A. The Draft was reviewed and accepted by the members of the CSO Advisory Committee. A final proposal will be prepared based on the feedback received from this meeting. Part B will include all the remaining work required to complete the Long Term Control Plan and is expected to cost nearly \$4 million.

CAPITAL DISTRICT REGIONAL PLANNING COMMISSION

The contract is for \$225,000 and CDRPC's share is budgeted at an additional \$30,000. The total cost of the project is \$255,000, which will be the responsibility of the six Albany Pool Communities. \$80,000 is expected to be available through an EPA Grant, and the State is going to provide a 50% reimbursement for the remaining portion.

The next step is to get each of the communities to pass a resolution of support and financial obligation to undertake Part A of the study. The start date for this project is June 1, 2005 with an approximate duration of six months. CDRPC will not enter into a contract until the commitments are made by all of the communities and all financial obligations are clearly understood. CDRPC will maintain the books and be responsible for the management of the contract.

David Vincent inquired if there is a cost allocation table prepared identifying the financial obligation of each community. Rocky responded that one had been prepared which was the basis of discussion and approval by the CSO Advisory Committee. A letter was sent to each of the six mayors of the communities outlining what their financial obligations would be for Part A based on the approved cost allocation. **Ed Patanian inquired when the consent order goes into effect. Rocky responded that there has been no consent order issued at this time and none should be forthcoming if there is an agreement to proceed with the inter-municipal long- term control plan. If the communities decide not to go with the long- term control plan, a consent order may occur.**

John Murray asked if the communities would upfront the full cost and then get reimbursed by the state. Rocky responded that with Part A, the money will likely be advanced to the communities as the project proceeds. The communities however, may have an initial obligation and then will get reimbursed based on a lag time of approx. 3 months. Details are still be worked out with DEC. When an invoice comes in from the consultants, an invoice will be sent to DEC and to the communities for their share. When the money is received, the consultant will be paid. **The issue for Part A is that includes the development of the work program necessary to secure the \$2 million from the State. The State has been asked to pay the 50% share to do Part A and they are receptive though no final determination has been made. The letter that was sent out to the communities informed them that they would be fully responsible for the cost, with reimbursement to come at a later date. This is causing problems for some of the communities who do not have the money in this year's budget to pay for the study starting June 1st. They would like to delay the project until the Fall. The problem with delaying the project to the fall is that it is going to be to achieve the 2008 deadline.**

Ed Patanian stated that the duration of the study does take time, and this could be added into the fall time frame of the project. Rocky responded that Part A is very critical and has to get done first since it sets the stage for the remainder of the study.

Fred Acunto inquired if our legal counsel reviewed the contract. Rocky responded that there is no contract as of yet to review. Rocky has spoken to Michael Hall who will be providing legal counsel for the project. The preferred alternative is to get something from

CAPITAL DISTRICT REGIONAL PLANNING COMMISSION

DEC as a template and to work from there with the communities. Fred Acunto suggested that the contract not be signed until Michael Hall has looked it over thoroughly.

John Murray expressed concerns regarding the possibility of the State not advancing the money of the \$2million grant for Part A and the 50% falls on the six communities. Are the communities aware of that? Rocky responded that the communities have been made aware that the original plan is to get the money advanced by DEC, however it is not definitive and do not expect it.

Ed Patanaian inquired if discussions have been made with the County Legislators so that they are well aware of this project. Rocky responded that the Technical Advisory Committee has had dialogues with their mayors. Rocky has also had communications with the Mayors as well. A letter was sent out outlining the financial responsibilities of the communities to achieve Part A. Rocky has also offered to meet with Legislative Bodies and city council of the six communities to discuss this project. There has been no direct response to this letter. Mr. Patanian added that in order to have something in place by June 1st, scheduling a meeting with the Legislative Bodies in advance or a presentation regarding this project may be helpful in getting the resolution passed. Rocky responded that there has been a lot of dialogue in the communities between the representative of the communities on the CSO Advisory Committee and their elected officials.

Rocky also added that there have been 15 meetings with 100% representation from the six communities and two sewer districts at most of the meetings. This is definitely a priority of these communities based on the feedback at the meetings.

Stan Brownell inquired if the \$2million dollars had a window on it or open ended. Rocky responded that the money is open ended.

Fred Acunto asked if there were any discussions about the indebtedness that these municipalities can incur under general municipal law. Rocky responded that as part of the long-term control plan, there has to be taken into account the affordability index in terms of the abilities of these communities to be able to afford additional debt. There has to be a reasonableness associated with the cost, which is very high. Leif Engstrom added that it is based on the median household income and the sewer rate as a percentage of that increase to cover the expense of implementing the long-term control plan. Fred Acunto inquired if any of the municipalities are close to that limit with indebtedness that could make this project unravel. Rocky commented that the necessary improvements and who will shoulder the costs needs to be taken into account in the development of the Plan. It is anticipated that the improvements will be paid for with a combination of federal and state monies and user fees.

The next meeting of the CSO Committee is scheduled for April 7th at 9:00am.

6. NEW VISIONS FOR A QUALITY REGION PRESENTATION

CAPITAL DISTRICT REGIONAL PLANNING COMMISSION

John Poorman, from CDTC, did a presentation on the New Visions for a Quality Region with an overview and status report of the planning process. In 1997, CDTC adopted the New Visions for the Capital District Transportation Plan, which was updated in 2000. A new effort is now underway to produce a New Visions 2030 plan. CDRPC participated in the preparation of the Plan in 1997 and is playing an integral role in this latest update.

As part of the New Visions 2030 effort, a Quality Region Task Force was created to review and explore issues and concepts and report their findings to the CDTC Planning Committee and Policy Board for their consideration. From the task force, five Working Groups were created. The Working Groups are as follows:

Working Group A: Regional Settlement Patterns and Alternative Growth Impacts

Working Group B: Long Term Expressway Issues

Working Group C: Big Ticket Ideas

Working Group D: Larger Than Regional Policy Concepts

Working Group E: Improved Local Planning in a Regional Context

CDRPC staff has been playing a significant role in the activities associated with Working Groups A, D and E.

Ed Patanian added that Nationally we do not have a growth population. John Poorman responded that nationally we do. The next 20-30 years, it is expected to have another 40 – 50 million more people in the United States. We have grown more in 1990-2000 then we had in 34 years. This nation is trying to absorb a lot of growth and our task is to preserve our quality of life mobility at a modest growth rate.

The issue statewide is the urban areas and the cities are declining and are fiscally challenged. The suburbs are growing, however. Our land-use patterns in the Capital District are tighter then in other areas. The Capital District does have growth issues as well as declining issues. They combine to be a mobility and fiscal challenge in maintaining what we have. The prospects in the Capital District are still better then most areas.

Spencer Hellwig inquired

7. STAFF ACTIVITY REPORT

Mike Stammel commented that staff is doing a great job in keeping the Commissioners informed of meeting activities.

Rocky reported that the CDYCI Board will be meeting April 6th at 8:30am. The barrier fence has been approved to replace the existing stockade fence at the facility. A new protocol policy for professional and family visits to the facility is under review.

8. OTHER BUSINESS

CAPITAL DISTRICT REGIONAL PLANNING COMMISSION

Albany Management has sent a letter to CDRPC stating that the outstanding charges due from CDRPC to damages incurred during the move are being waived.

9. NEXT MEETING DATE

The next CDRPC Commission Meeting will be held on May 18, 2005 at 8:30am. The meeting will be held at CDRPC offices.

Adjournment

Chris Callaghan made a motion to adjourn the meeting, and Mike Stammel seconded. The motion was approved unanimously.

Respectfully submitted

Gary Hughes
Secretary