

**CAPITAL DISTRICT REGIONAL PLANNING COMMISSION**

**COMMISSION MEETING**

August 17, 2005, 8:30am  
CDRPC Conference Room  
One Park Place  
Albany, New York 12205

**MINUTES**

**PRESENT:**            *Board Members:* Henry Dennis, John Graziano, Lucille McKnight, Stan Brownell, Jayne Regan Harris, James Shaughnessy, Fred Acunto, Chris Callaghan, Spencer Hellwig, John Murray, Raymond Gillen, Gary Hughes, Barbara Mauro, Michael Petta, David Vincent  
*Staff:* Rocky Ferraro, David Lang Wardle, Leif Engstrom, Donna Dillenbeck

**ABSENT:**            Betty Barnette, Bill Bruce, Edward Patanian, Mike Stammel, Philip Barrett

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

**1.      WELCOME/INTRODUCTION OF GUESTS**

Allen Walther from Dorfman-Robbie, P.C.; Carmella Mantello, Director of NY State Canal Corporation; John Callaghan, Director Canal Policy Implementation & Planning; and Michael Hall from McNamee, Lochner, Titus & Williams, P.C attended the meeting.

**2.      MAY 24, 2005 MEETING MINUTES**

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

**Action Taken**

Fred Acunto made a motion to approve the minutes and Lucille McKnight seconded. The motion was approved unanimously.

**3.      FINANCIAL STATEMENT THROUGH JULY 31, 2005**

Rocky reported that this statement reflects the financials through July 31, 2005. With more than half the year completed, revenues are at 66.3% of the approved budget while expenses are at 52.7%. Quarterly billings to contracting entities were sent out as well as second half billings to Albany and Rensselaer Counties and third quarter billings to Saratoga and Schenectady Counties.

Expenses are on target at this point. An intern will be brought in on a part time basis after Sept 1 to take on work associated some of the contracts as well as the Combined Sewer Overflow Study.

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A preliminary estimate from the NYS Retirement for 2005 was received and it is higher than what was budgeted.

The amount paid in 2004, which is based on salary estimates, was too low therefore we have to pay an additional amount to reflect the actual salaries. The adjustment is being made in this year's expense.

The Statement of Financial Conditions reflects activity through July 31<sup>st</sup> but as of today we have \$173,000 cash in the bank and outstanding receivables totaling just over \$95,000. The receivables reflect payments from the State and Federal Government, Water Quality as well as Saratoga County.

John Murray inquired if the change in the NYS Retirement amount will be put on the Financial Statement. At this time it is only an "estimate", however, the budget will be revised to reflect this higher amount in the Retirement expense line item along with other recommended budget adjustments for the Board's consideration at the next meeting.

### **Action Taken**

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

#### **4. 2004 AUDIT REPORT, PRESENTATION BY ALLAN WALTHER**

A copy of the FY-2004 Audit Report was sent out to all the Commissioners prior to the meeting. Allen Walther from Dorman-Robbie, P.C. briefly went over the reports with the board and informed everyone that there were no adjustments made. Included in the Audit Report is a management discussion in compliance with the GASB 34 reporting requirements.

Chris Callaghan inquired about the restricted fund balance on the modified accrual statement of \$10,000. David Wardle replied that that amount goes back to a reserve fund balance the Commission established several years ago to cover a possible retirement lawsuit by Tyag, the former Executive Director. Since the issue appears resolved at this time, Mr. Callaghan suggested a board resolution to eliminate the reserved fund balance for the Board's consideration at the next meeting.

### **Action Taken**

Lucille McKnight made a motion to accept the 2004 Audit Report, and Chris Callaghan seconded. The motion was approved unanimously.

#### **5. PRESENTATION/DISCUSSION BY CARMELLA MANTELLO**

Carmella Mantello met with the Commission to discuss her intentions and to seek feedback from the Board about the future direction of the Canal Corporation. Ms. Mantello was recently appointed by the Governor as the new Director of the State Canal Corporation

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The Canal Corporation has put together a proposal on how to best utilize the canal system. Governor Pataki has proposed three tasks for the Canal Corporation which are an Erie Canal Greenway, an Empire State Greenway, and taking a look at the Canal Corporation strengths and shortfalls such as land management and marketing the canal system. A task force will be put appointed comprised of various state agencies, the federal commissions, the Erie Canal National Corridor Commission, and the Thruway Authority. The primary job of the task force will be to put together a report outlining the Erie Canal Greenway, the Empire State Greenway, and the Canal Corporation indicating recommendations on how to better the NYS Canal Corporation. The primary goal is to link the Niagara River Greenway to the proposed Erie Canal Greenway, which will include all of the Canal System through the Hudson River Valley Greenway. In doing so, this will create a seamless connection from Niagara Falls to New York City.

In 1995, CDRPC prepared the *Eastern Gateway Canal Regional Plan* for the Capital Region, which dovetailed the statewide canal planning effort leading to the preparation of the *New York State Canal Recreationway Plan*. A number of the Plan's recommendations have been implemented including the development of the waterfront and new visitors center in Waterford and Pebbles Island.

One of Carmella Mantello's initial objectives is to review and undertake an assessment of these efforts and other initiatives to revitalize community focus on the canal system. Ms. Mantello will be visiting communities and meeting with interested parties along the entire canal system during the next several months seeking input from local and regional representatives about the Corporation's organization and mission.

Fred Acunto inquired about the large undertaking of connecting the Greenway to Main Street. Ms. Mantello replied that many people are opening businesses on Main Street basing their business on canal heritage information. People are coordinating the history of the canal into their businesses. In Poughkeepsie, for example, a developer on the waterfront is incorporating a trail into his multi-use project. There will be some commercial, a restaurant, a boat launch and a water launch for canoes and kayaks. Because of this, the Mayor is creating a heritage trail to bring people down to the waterfront. The main goal is to get the waterfront to be the "front door" not the "back door" and utilize the waterfront to bring people into Main Street.

Ray Gillen stated that a concern he has was finishing the bike trail from Buffalo to Albany. There is a need for more funding to finish the connections. Another concern is that the majority of the upstate waterfront is industrial in the Schenectady area. Mr. Gillen inquired if the Canal Corp could help in this situation with any type of grants or matching grants.

Ms. Mantello added that the Greenway can and only will be successful if the communities want to move forward with this initiative. There are state and federal funding available to provide for these canal communities.

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Barbara Mauro inquired about the Greenway in the winter months. Greenway is the “concept”; Greenway water trail or kayaking is the summer. Some other communities have added ice-skating in the winter months to try and get people to use the canal and utilize their main street restaurants.

Ms. Mantello also added that there are over 40 intermunicipal efforts that are happening within the Hudson Valley. Communities on the waterfront are working together on waterfront strategies to get villages and towns to work together. Chris Callaghan mentioned that the Canal Corporation has been extremely helpful to Waterford, however community leaders, including elected officials, have to get involved for this process to happen.

### **6. PROPOSED 2006 PRELIMINARY BUDGET**

Rocky informed the Board that this is a preliminary budget and the final will be prepared for the December Commission meeting. There will be some changes made before the final budget is done. The adoption of the Preliminary Budget will allow us to send out the Commission’s request for next year’s county contribution. The county contributions CDRPC is requesting remain the same as 2005.

The increase in the contractual line item from \$15,000 to \$30,000 for next year reflects the signing of a two year contract with CDTA to provide mapping and data support services for \$35,000. CDRPC will provide assistance to CDTA on an on-call basis. In addition, a proposal with CEG to do a fiscal impact analysis associated with alternative growth patterns in the region is under review and is likely to be started during the Fall and continue into 2006. This project is in partnership with the University at Albany Planning Department and CDTC. A proposal has been submitted by the Onesquethaw-Coeymans Watershed Council seeking funding support from DEC to do a watershed study. If funded, they will be contracting a portion of the work to CDRPC similar to earlier studies CDRPC was involved including the Watervliet, Tomhannock, and Saratoga Lake Watershed studies.

In other revenue sources, \$35,000 is projected through our management of the Combined Sewer Overflow Long Term Control Plan. CDRPC will maintain a separate set of financial records for this particular study. A separate account has been established with Key Bank.

There are a few changes on the expenses such as the NYS Retirement and the health insurance line item.

Chris Callaghan inquired if there is a specific set of expenses for the CSO project such as engineering costs for 2006. Rocky added that a separate set of accounts have been set up for revenue and expenses for the CSO Project. The only thing that shows up on CDRPC’s financial statement is the revenue that we will receive from the project and staff costs and any out of pocket expenses incurred by the Commission, all of which will be reimbursed.

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Chris Callaghan asked if CDRPC should deal with CSO budget. Rocky responded that we have prepared a preliminary chart of accounts, however financial information is limited pending completion of Part A at which time a full budget will be prepared. He stated that the chart of accounts and associated financial data will be shared with the Commission at the next meeting

John Murray inquired about the \$15,000 budgeted in 2006 for temporary services. Will the full amount be spent on temporary services? Rocky responded that the budget reflects the hiring of an intern on a part time basis at \$11.-\$12.00 per hour for about 15 hours a week and full time during the summer months. For the 2005 budget, approximately \$2,000-\$3,000 of the original budget estimate of \$10,000 will be spent to hire an intern part time during the fall.

### **Action Taken**

Lucille made a motion to accept the 2006 Proposed Preliminary Budget, and Barbara Mauro seconded. The motion was approved unanimously.

## **7. MUNICIPAL COOPERATION AGREEMENTS/COMBINED SEWER OVERFLOW LONG TERM CONTROL PLAN**

A copy of the Municipal Cooperation Agreement between CDRPC and each of the Albany Pool communities to prepare Part A of the Long Term Control Plan was given to the Commission prior to the meeting. At this time, the Cities of Troy, Cohoes and Greens Island have passed the Agreement. The City of Rensselaer, the City of Watervliet and the Albany Water Board are all planning to sign the agreements within the next several weeks.

Rocky is requesting action by the Commission authorizing the Chair to sign the Municipal Cooperation Agreement and enter into a contract for State Assistance for up to \$2 million from the New York State Department of Environmental Conservation to prepare a Hudson River Estuary Phase I Long Term Control Plan for Combined Sewer Overflows for the six communities contingent upon each of the communities approving the Municipal Cooperation Agreement.

CDRPC is the recipient of the grant, however the financial obligations associated with the grant are that of the six Albany pool communities. This is where the Municipal Cooperation Agreement comes into place. Michael Hall, Esq., CDRPC Legal Counsel, has prepared the Municipal Cooperation Agreement that assigns the financial responsibilities to the six Albany pool communities.

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### **Action Taken**

Fred Acunto made a motion to introduce the Resolution, and Barbara Mauro seconded. A discussion followed.

Chris Callaghan expressed concern about the language of the Resolution where CDRPC is financially responsible for this project. Mr. Callaghan suggests that if any resolution is passed, CDRPC should limit the financial responsibility to the financial participation of the participating municipalities.

The policy people at DEC had previously stated that attachment B did not need to be included in the application since CDRPC is not a municipality. However, the financial department at DEC, stated that as the recipient of the grant, CDRPC is required to approve the municipal resolution language identified in form, the Lead Applicant Self Certification form is also needed. The Municipal Cooperation Agreement transfers the financial obligation to each of the Albany Pool communities. Michael Hall added that DEC wants to see that a commitment between CDRPC and the six Albany pool communities has been made with a contract that puts the financial responsibility on Albany pool communities. Each municipality is being required to pass the Municipal Cooperation Agreement. CDRPC will not sign and submit the grant proposal until all six communities pass and sign the Municipal Cooperation Agreement.

Chris Callaghan suggests adding a limitation of CDRPC's financial commitments in the resolution.

Michael Hall added that if any of the six Albany pool communities fail or refuse to contribute money, the contract states the remaining municipalities are obligated to pay that amount. The municipality that does drop out must repay the grant money that was received prior to dropping out of the project.

### **Action Taken**

Chris Callaghan made a motion to amend the resolution to revise Attachment B specifically eliminating any financial commitment from CDRPC. Spencer Hellwig seconded. The amendment was defeated six votes in favor of the amendment and nine opposed.

Lucille McKnight made a motion to authorize the signing and execution of the contract by the Chair as presented. Chris Callaghan seconded. The motion passed unanimously.

## **8. FALL BOARD/STAFF RETREAT**

On Friday, October 21<sup>st</sup> will be the Staff/Board Retreat from 2:00pm to 6:00pm at the Crossings in the Town of Colonie. The retreat will be facilitated by John Allen, a consultant with Performance Matters.

Rocky will be meeting with Jon Allen on August 18 to finalize the program agenda and questions to facilitate the discussion.

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**9. STAFF ACTIVITY REPORT**

Rocky informed the board that the Annual Report is going to the printer within the next week. The website has been updated by David Wardle to navigate through the site easier.

**10. OTHER BUSINESS**

Fred Acunto inquired if Todd could do a presentation for the Board giving an update on the GIS projects he's working on.

**11. NEXT MEETING DATE**

The next CDRPC Commission Meeting will be held on October 19th, 2005 at 8:30am. The meeting will be held at CDRPC offices.

**Adjournment**

Lucille McKnight made a motion to adjourn the meeting, and Jayne Regan Harris seconded. The motion was approved unanimously.

Respectfully submitted,

Gary Hughes  
Secretary