ALBANY CSO POOL COMMUNITIES CORPORATION

Annual Report - 2024

The following report is was created to satisfy the requirements of The Public Authorities Law (§ 2800) and Authority Budget Office PARIS questions. Because this is the first ever report for this complex program, the report summarizes the program since its inception, in addition to reporting on the period from October 1, 2023 to September 30, 2024.

Background

Combined Sewer Systems are sewers that are designed to collect rainwater runoff, domestic sewage, and industrial wastewater in the same pipe. Most of the time, combined sewer systems (CSS) transport all of their wastewater to a sewage treatment plant, where it is treated and then discharged to a water body. During periods of heavy rainfall or snowmelt, however, the wastewater volume in a combined sewer system can exceed the capacity of the sewer system or treatment plant. For this reason, combined sewer systems are designed to overflow occasionally and discharge excess wastewater directly to nearby streams, rivers, or other water bodies.

The six Albany Pool Communities (APCs): the Cities of Albany, Cohoes, Rensselaer, Troy and Watervliet; and the Village of Green Island are required, as a condition of their Combined Sewer Overflow (CSO) State Pollution Discharge Elimination System (SPDES) Permits, to develop and implement Long Term Control Plans (LTCP) to comply with water quality standards in the Hudson River. Among the six Albany Pool Communities (APCs) there are nearly 100 permitted CSOs that discharge into the Hudson River and its tributaries. Due to the close proximity of the six communities and the tidal influence of this section of the Hudson River, the communities, rather than prepare six individual plans, worked cooperatively to prepare a single plan with a regional approach. More than $4m was invested during the development of the LTCP to document water quality, perform analyses of the performance and capacity of the CSS and treatment facilities, model and characterize the CSS, and develop a program that delivered the maximum water quality benefit in the most cost effective manner. The Albany County Water Purification District and the Rensselaer County Sewer District are connected to the CSO program through their SPDES permits, and are cooperating with the Pool communities in implementation of the LTCP for the abatement of CSOs.

The Capital District Regional Planning Commission (CDRPC) is a regional planning and resource center serving Albany, Rensselaer, Saratoga, and Schenectady counties and is organized as a political subdivision of the four participating counties. Regional planning commissions such as CDRPC are authorized within article 12-b, section 239 of New York State's General Municipal Law. CDRPC serves the best interests of the public and private sectors by promoting

intergovernmental cooperation; communicating, collaborating, and facilitating regional initiatives; and sharing information and fostering dialogues on solutions to regional problems. The CDRPC is the entity aiding in the implementation of the LTCP and coordination of the communities, acting both as a resource and a facilitator. CDRPC is recognized as program coordinator under the Order for the LTCP and the Corporation will establish CDRPC as the program administrator for LTCP Programs. More about CDRPC can be found on the organization's website, www.albanypoolcso.org/

Early on the in development of a program to jointly address CSO overflows, CDRPC was brought on board to aid in the development of a plan and as a facilitator and coordinator for the communities, acting both as a resource and providing staff support.

In January of 2014 the six Pool Communities, the Albany County Water Purification District, and the Rensselaer County Sewer Districts executed an Order on Consent administered by the New York State Department of Environmental Conservation (NYSDEC) and the department accepted the Pool's 15-year LTCP. Through this Plan, the Pool will implement more than 50 projects and programs that will significantly improve the water quality of the Hudson River and its tributaries. A copy of this plan, and the full scope of work to develop the plan, is available at https://www.albanypoolcso.org/about/. Over the life of the program more than $136m will be invested; $100m of which will be invested by the communities and $36m by the Districts.

The Member Municipalities, as a pool of communities, share in the administrative and construction costs of all the LTCP Programs. Through a certain Intermunicipal Agreement by and among the Member Municipalities (referred to therein as the "Albany Pool Communities"), executed February 25, 2015, each Member Municipality's respective percentage share of LTCP Program Costs for projects required under the LTCP at the time of the execution of the Order is as follows: Albany – 58.68%, Troy – 34.76%, Cohoes – 2.74%, Rensselaer – 2.13%, Watervliet – 1.16%, and Green Island – 0.53% (each a "Member Municipality Share" and together, the "Member Municipality Shares"). This allocation formula for the Member Municipality Shares was determined 85% by CSO overflow volume and 15% by population, according to flow models and the 2010 census, respectively. The Corporation will receive contributions from each of the Member Municipalities for its respective Member Municipality Share of LTCP Program costs for the next three years (and in three to four year "tranches" for each successive period of LTCP implementation). These contributions will then be applied by the Corporation directly to LTCP Program costs, such as planning, design, engineering construction, maintenance, operations. The program revenue will also pay for engineering, legal, financial advisory, bond counsel, and administrative services provided by consultants to the Corporation. The LTCP Program facilitated by the Corporation is limited to planning and capital projects within the LTCP project schedule and listed in the Order.

In January of 2020 both the District IMA's were reauthorized and extended.

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The Corporation was formed as a New York not-for-profit and local development corporation by a pool of community municipalities consisting of the cities of Albany, Troy, Cohoes, Rensselaer, Watervliet, and the Village of Green Island, all of whom are members of the Corporation (together, the "Member Municipalities"), to lessen the burdens on local governments and provide a vehicle to jointly administer the construction, financing, operation, and maintenance of certain public utilities that will be repaired and constructed as part of a Combined Sewer Overflow (CSO) abatement program mandated by a New York State Department of Environmental Conservation enforcement order (the "Order").

The purpose of the Corporation is to reduce discharge of wastewater and stormwater from combined sewer overflows within the Member Municipalities in order to protect the quality of the waters therein and to achieve compliance with all federal, state and local laws and permits applicable to the management of combined sewer overflows within the Member Municipalities. Among the six Member Municipalities there are nearly 100 permitted CSOs that discharge into the Hudson River and its tributaries located in the State of New York.

The Corporation will achieve this purpose through performing the following activities:

- The Corporation will facilitate the administration of more than 50 projects and programs (the "LTCP Programs") that will aid in the clean-up of the Hudson River as identified through the Long Term Control Plan (LTCP), an initiative that was jointly developed by the Member Municipalities to study the current health of the Hudson River and to identify such LTCP Programs and to demonstrate and assess the effectiveness of such LTCP Programs through a sophisticated modeling system and post-construction water quality testing program. A copy of the LTCP is available at https://www.albanypoolcso.org/about/.

- The Corporation will have the ability to bid, contract, perform and pay for project implementation in facilitation of the LTCP Programs.

- The Corporation will enter into agreements with the Albany County Water Purification District and the Rensselaer County Sewer District through which the districts may assist in the implementation of the LTCP Programs and in obtaining financing or funding; and

- The Corporation may also assist the Member Municipalities by applying for, obtaining and contracting with any federal, state, or local governmental agency or foundation, organization, or natural person for the purpose of obtaining grants, loans, or other forms of financial assistance, and expending or authorizing the expenditure of such funds in furtherance of the LTCP Programs and such other charitable purposes of the Corporation.

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The mission of the Corporation is to enable facilitation of LTCP Programs and assist with the efficient and timely implementation of the LTCP by the Member Municipalities by securing goods and services, assisting in financing, and performing any additional acts that may be necessary and appropriate for the LTCP's implementation and facilitation of LTCP Programs.

In performing these activities, the Corporation has and will continue to act in the public interest and performing essential government functions.

The Corporation has and will continue to seek out funding from the federal government (IE Environmental Protection Agency Grants and Clean Water State Revolving Funds), state agencies (Such as NYSDEC's Water Quality Improvement Grants), and private foundations (sources of funding as of yet to be identified). These grants will be directed toward implementing LTCP projects in each of the six member municipalities of the Corporation. CDRPC is providing staff services to the corporation, and if the Corporation directs CDRPC to do so, CDRPC will actively seek out grant or foundation funding for LTCP projects.

The Corporation's By-laws are provided at the organization's website at www.albanypoolcso.org/about/compliance/ The Corporation's Mission Statement and Measurements are provided at this website as well.

Corporation financial reports

The Corporation drafted and accepted a proposed FY2022 Budget in July 2021. The corporation does not possess physical assets. An audit report has been conducted and will be submitted separately.

Compensation schedule

The Corporation does not have employees. The Corporation does not compensate board members, designees or officers. The Salary and Compensation of Board Members Policy is contained within the corporation by-laws, The Salary and Compensation of Officers Policy is provided on the organization's website at www.albanypoolcso.org/about/compliance/

The Pool Intermunicipal Agreement, entered by and among the Member Municipalities, executed February 25, 2015, is the instrument that binds each of the Member Municipalities together and, further, establishes CDRPC as the program administrator. The CDRPC provides staff support services to the Corporation. The DEC Order on Consent mandated the Pool Communities retain an independent program coordinator. CDRPC Employees provides staff to the Corporation through an annual contract.

Lists of board meetings and attendance

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The Corporation posts notice of all board and committee meetings on its webpage: www.albanypoolcso.org/about/meetings/ Meeting minutes, and the attendees of each meeting are posted following each meeting.

Because of the Novel Coronavirus (COVID-19) Emergency and State and Federal bans on large meetings or gatherings and pursuant to Governor Cuomo's Executive Order 220.1 issued on March 12, 2020 suspending the Open Meetings Law, the CSO Corporation meetings were held online via Zoom and phone. Meetings were still publicly posted. Meeting minutes are posted to the Corporation website, meetings were livestreamed and recorded on CDRPC's YouTube Channel, www.youtube.com/channel/UCbAgfmeV6GAxeO66sw_74ow. In person meetings resumed October, 2022.

Names of Committees and Committee Members is provided at the organization's website at www.albanypoolcso.org/about/meetings/committee-schedule-minutes/

Corporation's four-year financial plan, including current and projected capital budget

The Corporation's Current and projected budgets are provided at the organization's website at www.albanypoolcso.org/about/budget-finance/

During the development of the LTCP, the Member Municipalities' Engineering team developed an annual cost projection based upon expected project activity in a given year of the LTCP. This full 15-year capital plan, including estimates for vendor and coordination services, is provided at the organization's website.

The Member Municipalities also developed and approved their FY2024 budget in July, 2023 The Corporation has used this Budget to extrapolate and project the revenue and expenses it may incur in facilitation of the LTCP Programs.

Operating budget report, including an actual versus estimated budget, with an analysis and measurement off financial and operating performance

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The Corporation drafted and approved the FY2024 Budget in July 2023. The Corporation's budgets are provided at the organization's website at www.albanypoolcso.org/about/budget-finance/

Corporation board performance evaluations provided, however, that such evaluations shall not be subject to disclosure under article six of the public officer's law

Anonymous board evaluations were conducted in the Fall of 2024 and presented to the Board on December 12, 2024. The summary results of the assessment will be submitted to the Authority Budget Office in a separate document.

A description of the total amounts of assets, services or both assets and services bought or sold without competitive bidding

The Corporation did continue to retain CDRPC as a program coorinator as to terms of the IMA and Order on consent. It not buy or solicit any other services in 2024 without competative bidding. CDRPC's contract has been renewed annually.

A description of any material pending litigation in which the Corporation is involved as a party during the reporting year, except that no provider of medical services need disclose information about pending malpractice claims beyond the existence of such claims.

The Corporation is not currently engaged in any litigation.

Projects undertaken by the Corporation during the past year

A table summarizing projects completed prior to and during 2024 as well as those projects currently underway is provided as Exhibit A.