ALBANY CSO POOL COMMUNITIES CORPORATION

Measurements Report of the Performance of the Corporation 2024

This report has been formatted to provide the Authority Budget Office a narrative for each of the Corporation's own performance measures contained within the Mission Statement and Measures (on the Corporation website: www.albanypoolcso.org/about/

1. Assisting the member municipalities in their compliance with the Consent Order.

The Albany Pool Communities Combined Sewer Overflow Long Term Control Plan Order on Consent, DEC Case #CO 4-20120911-01 (the "Order") was entered into by the Albany Pool Communities (the cities of Albany, Cohoes, Rensselaer, Troy and Watervliet, and the Village of Green Island; hereinafter the "APC"), Albany County Water Purification District ("ACWPD"), and Rensselaer County Sewer District ("RSCD") (collectively, the "Respondents"), and the New York State Department of Conservation ("DEC") on January 15, 2014.

During the months of February and March of 2014, when implementation of the Order was in the early stages, CDRPC staff, in consultation with DEC staff, developed a project sheet template as a tool to track project status and to provide a simple and effective vehicle to quickly assess project goals, progress, milestones, roles, and responsibilities. The project sheets were developed in concert with a tracking system that uses unique identifiers, project codes based on project type. Together, the sheets and tracking database ensure successful delivery of projects in the work and to anticipate upcoming program demands.

At the beginning of the program, at Respondents' suggestion, representatives of CDRPC (including the Program Coordinator) and other representatives of Respondents had met monthly with DEC for the purpose of developing reporting forms, reporting on progress, and resolving any unanticipated challenges related to reporting or project delivery under the Order. This meeting schedule was adhered to for the first two years of the program, moving to a quarterly schedule in July, 2015.

From the execution of the Order until June of 2015, the Albany Pool Communities, two County Sewer Districts, and the APC consulting team held bi-monthly meetings on the second and fourth Thursdays of each month to track LTCP implementation.

CDRPC worked with the NYSDEC and the Pool communities to develop a chart to track each program and project deadline contained within the Order on Consent. These milestones include task start, task completion, plan and spec submission, notice to proceed, operational start-up, construction completion, semi-annual reports, and delivery of reports such as the Post Construction Compliance Monitoring program.

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The Semi-annual reports that CDRPC submits to DEC in March and September of each year detail 6-months of project activity for active and recently completed projects in the Order. These reports also provide an opportunity for the Pool Communities to project the ability to meet the next 6-months of program deadlines. These reports are posted online at www.albanypoolcso.org/projects-and-reports/reports/

The Pool Communities' Intermunicipal Board of Directors, the entity that provides governance and oversight of the program as it pertains to the Order, meets quarterly. CDRPC provides administrative service to this body, and it meets on the same day that the Pool and technical team meet with DEC.

The Order's Compliance Schedule required the Pool and District IMAs to be executed on or before April 15, 2015. The IMAs were submitted to the NYSDEC for review and acceptance six months in advance of the deadline set forth in the Order for their execution. The IMAs were also vetted by the NYS Environmental Facilities Corporation (EFC), a state agency that provides significant financing for large scale water and sewer projects in New York, in order to take advantage of the current round of EFC financing, which will be critical to funding the Albany and Troy financial obligations to the next three year cycle of the LTCP. Both DEC and EFC completed their reviews of the draft IMAs and both agencies requested substantive changes to documents. At the request of NYSDEC, the Pool created a "Matrix of Responsibility" that assigns ownership, operation, and maintenance responsibilities for each of the Order's projects within a Compliance Schedule that lists LTCP projects and milestones for delivery of the projects. The Matrix is referenced in the IMAs and a process consistent with the terms of the Order for assigning these responsibilities to individual Respondents was included in the IMAs.

To manage LTCP implementation before the IMAs were in place, the Albany Pool Communities, two County Sewer Districts, and the APC consultant team (general counsel, bond counsel, financial advisor, engineering, and CDRPC) were meeting twice-monthly to track LTCP implementation, identify and resolve potential impediments, and coordinate applications for grants and financing.

The Pool IMA was executed by all the Pool communities (Albany, Troy, Cohoes, Rensselaer, Watervliet, and Green Island) on February 25, 2015. The District IMAs were executed April 14, 2015 thus completing the full set of IMAs as required by the Order.

During the development of the LTCP and negotiation of the Order on Consent, the Pool communities weighed the option of creating an Authority to administer projects in the LTCP on behalf of the communities. The Order on Consent mandated that the Pool should form an entity to aid in the implementation of the LTCP and the formative documents were to be submitted to the Department six months in advance of the fifteen-month deadline for the execution of the IMAs. Ultimately, the Pool Communities opted to create a non-profit that

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could act in the interest of the Pool as a single unit, and if needed, purchase goods or services, execute contracts, manage staff and operations, and pursue financing.

On May 14, 2015, the Intermunicipal Board of the Pool Communities, an administrative body made up of representatives from each of the Pool Communities resolved to create the Albany CSO Pool Communities Corporation, as the vehicle that facilitates administration of LTCP projects and programs – having the ability to bid, contract, and pay for project implementation.

The mission of the Albany CSO Pool Communities Corporation is to enable and assist with the efficient and timely implementation of the Albany Pool CSO LTCP by the Corporation's members, by securing goods and services, assisting in financing, and perform any additional acts that may be necessary and appropriate for the LTCP's implementation. The Albany CSO Pool Communities Corporation, a non-profit corporation, will also have the ability to apply for local, state, national, and foundation grants and loan programs to support the implementation of the LTCP.

The Corporation will 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 Albany CSO Pool Communities Corporation was formed on May 28, 2015 and had its first meeting on June 11, 2015. At this meeting the directors of the corporation, directors' designees, and alternate board members took oaths of office. The Board also accepted director's designations and alternatives; established officers; established charters and populated the audit, governance, finance, and technical committees; established a regular meeting schedule, adopted the bylaws, mission statement and measurements, and adopted several polices including a Code of Ethics and Conflict of Interest Policy, a Fiscal Policy, Procurement Policy, a Freedom of Information Law Policy, an Open Meetings Law Recording Policy and a Whistleblower Policy. At the Board's next meeting, held July 9th, 2015, the Board adopted additional policies including a Salary and Compensation of Officers Policy, a Guidelines for Selection, an Appointment, and Review of Officers Policy, an Open Meetings Law Notice and Posting Policy, and an Investment Policy.

The materials developed by the legal team were coalesced by CDRPC and organized into a Binder that each APC and District has received. They are available on the corporation's website, www.albanypoolcso.org/about/compliance/

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The legal team has completed the Corporation's IRS filing for tax exempt status. The IRS confirmed our application on December 17, 2015 and granted exempt status on July 17, 2016. The Corporation has been recognized by the IRS as a 501(c) (3) and by the NYS Charities Bureau.

2. Effective and efficient procurement of contracts relating to the implementation of the LTCP.

No solicitations took place in 2024.

3. Effective and efficient administration of contracts relating to the implementation of the LTCP.

CDRPC has been the Communities' CSO LTCP program facilitator since 2007 when the communities agreed to begin the planning and study phase of the CSO LTCP project. CDRPC was again funded and relied upon to assist the communities in the negotiation of the Order on Consent (phase II). Implementation, phase III, began upon execution of the Order on Consent and DEC's acceptance of the LTCP. The Order required the communities to retain a program coordinator, and CDRPC continued to function in the role of program administrator for these services. Section 4.6 of the IMA establishes the appointment of CDRPC as the Administrator of all actions taken pursuant to the Agreement, including, in coordination with the Local Development Corporation, the assessment and collection of payments under the Agreement, and the assignment and organization of projects to be implemented under the LTCP. The Planning Commission was tabbed to maintain records of the meetings and votes of the IMA Board, and of actions taken under the IMA.

CDRPC and the Corporation executed a professional services contract on December 8, 2016. This contract has been renewed annually. CDRPC assigned an MOA, executed November 1, 2013, to the Corporation that allows for drawdown and finance of funds previously expended. Each contract is accompanied by an acknowledgement of assignment and consent to memorialize the transition in CDRPC services from community oversight to corporation oversight.

The development of the LTCP required a highly skilled and capable engineering service provider to undertake research, modeling, sampling, and hydrological studies necessary to adequately develop a program that would address water quality violations in the Hudson River. After a deadlock vote in determining the ideal firm to take on this effort, the Communities' requested the three leading firms that were under consideration to consider forming a joint venture in order to capitalize on the strengths of each firm to develop the LTCP. This entity, the Albany Pool Joint Venture Team remains under contract with CDRPC, through a series of extra work

authorizations, because the entity was uniquely suited, and without equal in capability, to help the Communities negotiate the LTCP and Order and continue to provide engineering oversight to assure projects and programs advanced through the program would meet NYSDEC and NYSEFC requirements to be approvable and financeable. The extra work authorizations for these contracts were also assigned to the Corporation.

The completion of the LTCP and need for skilled legal counsel to help the Communities negotiate the program necessitated the procurement of special counsel, which CDRPC undertook in 2012. CDRPC retained the services of Beveridge and Diamond and the firm executed engagement letters with each community. General Counsel was retained in 2017.

To help the Communities develop capital plans, obtain financing, and meet requirements of entities such as EFC, CDRPC procured the services of Financial Planner and Bond Counsel. The financial services and bond counsel contracts have been assigned to the Corporation.

CDRPC worked with Environmental Facilities Corporation to ensure that its contract with the communities and all subcontracts meet language required by the agency in order to finance vendor invoices.

The corporation's financial policies govern payment of vendor invoices. The financial policies establish a threshold for board authorization of any amount of payment in excess of $1,500 and a procedure for the authorization of payments.

4. Assisting with the implementation of the LTCP in compliance with the LTCP project schedule.

Please see "1. Assisting the member municipalities in their compliance with the Consent Order."

5. Timely satisfaction of all obligations under financing instruments issued by the Corporation.

The approved Albany Pool Communities' CSO Long Term Control Plan Supplemental Document (www.albanypoolcso.org/about/) provides budget estimates for all project costs, both construction and program, in aggregate, year by year and by type.

A year-by-year financial plan was included in the LTCP that illustrated the Pool's year by year financial commitment to capital project development between 2013 and 2027.With this schedule as a basis, the financial planning team developed a plan of finance for three year "tranches" of project activity. Under this program, each community could plan accordingly to provide financing up front for project activity and LTCP consulting services. The financial team then worked with each of the communities to identify preferred funding methods; smaller

contributors will rely on cash in the first tranche, larger communities (Albany and Troy) will need to rely on financing their share of the program. Because the larger communities would be dependent on financing from EFC, the State's largest "infrastructure bank," the IMAs between Pool parties needed to be developed to suit EFCs requirements. Albany and Troy's finance agreements with EFC are structured so the LDC is able to manage the disbursements of program funds provided by EFC.

The 15-year capital plan also included a line for administrative costs that will be incurred by the Corporation during the implementation of the LTCP. These costs include the coordination services by CDRPC, engineering services by the APJVT, special counsel costs by Beveridge and Diamond, financial planning costs by Fiscal Advisors, and Bond Counsel costs by Hodgeson Russ.

The Albany CSO Pool Communities Corporation developed and approved the FY2021 Budget in July of 2020. The budget cycle coincides with the federal fiscal year because two of the Pool communities will rely on EFC financing. EFC operates on federal fiscal calendar. Revenues were calculated from a sum of each communities expected contribution to the program (capital costs for year fiscal year + coordination and consultation / each community's percentage share). Grant revenue towards capital costs is also accounted for. Expenses were calculated from a sum of each community's share of program expenses (capital costs for year fiscal year + coordination and consultation / each community's percentage share). Individual program costs for engineering, coordination, financial planning, legal services, water quality monitoring, and bond counsel were itemized, as were other costs such as projected insurance and banking expenses. Because the Pool communities are limited to the scope of the program, the contributions of each of the communities will only be applied to LTCP projects and programs defined within the Order on Consent.

The grants chart below catalogues grants obtained by the communities that count against the project and program costs. CDRPC was awarded and administers one grant that balances against the program administration costs.

Grants Awarded	Source	Address	Year	Project	Applicant
$1,000,000	NYSEFG GIGP	NYSEFC 625 Broadway Suite 7, Albany, NY 12207	2020	Middle Vliet St. Sewer Separation	City of Cohoes
$500,000	EFC ISC	NYSEFC 625 Broadway Suite 7, Albany, NY 12207	2020	Mereline	City of Albany
$50,000	EFC EPG	NYSEFC 625 Broadway Suite 7, Albany, NY 12207	2019	"Big C" satellite treatment and floatables control facility	City of Albany
$1,938,000	NYSDEC WQIP	NYSDEC 625 Broadway, Albany NY 12207	2019	Columbia Street Sewer Separation, Phase II	City of Cohoes

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$432,000	NYSDOS LGE	NYSDOS 99 Washington Ave # 1015, Albany, NY 12210	2019	Program Administration	CDRPC behalf of the Pool Communities
$5,000,000	NYSDEC WQIP	NYSDEC 625 Broadway, Albany NY 12207	2019	"Big C" satellite treatment and floatables control facility	City of Albany
$10,000,000	EFC IMG	NYSEFC 625 Broadway Suite 7, Albany, NY 12207	2017	"Big C" satellite treatment and floatables control facility	City of Albany
$5,000,000	NYS Consolidated Funding Application, NYSDEC Water Quality Improvement Grant (NYSDEC WQIP)	NYSDEC 625 Broadway, Albany NY 12207	2017	Floatables Controls Facilities	City of Albany
$989,117	EFC CWIAA	NYSEFC 625 Broadway Suite 7, Albany, NY 12207	2017	LTCP projects	City of Albany
$840,312	EFC CWIAA	NYSEFC 625 Broadway Suite 7, Albany, NY 12207	2017	Primary Sludge Degritting	RCSD
$87,914	NYS Consolidated Funding Application, NYSDEC Water Quality Improvement Grant	NYSDEC 625 Broadway, Albany NY 12207	2017	Primary Sludge Degritting	RCSD
$72,000	NYS EFC Engineering and Planning Grant	NYSEFC 625 Broadway Suite 7, Albany, NY 12207	2017	Columbia Street Sewer Separation, Phase II	City of Cohoes
$159,000	NYS Consolidated Funding Application, NYSDEC Water Quality Improvement Grant	NYSDEC 625 Broadway, Albany NY 12207	2016	Modify Regulators in Watervliet, Cohoes, and Green Island	ACSD
$2,635,000	EFC Water Infrastructure Improvements Grants (Albany MWF Authority	NYSEFC 625 Broadway Suite 7, Albany, NY 12207	2015	Up to 25% of LTCP project and program costs financed through the EFC Intended Use Plan.	Albany and Troy

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	- $1.75M, City of Troy - $885k)				
$1,827,103	NYSEFC Principle Forgiveness for IUP projects	NYSEFC 625 Broadway Suite 7, Albany, NY 12207	2015	Broadway Sewer Separation and Dry-Weather Overflow Elimination Project and Washington Avenue Sewer	City of Rensselaer
$814,262	NYS Consolidated Funding Application, NYSDEC Water Quality Improvement Grant	NYSDEC 625 Broadway, Albany NY 12207	2015	Middle Vliet St. Sewer Separation	City of Cohoes
$220,500	NYS Consolidated Funding Application, NYSDOS Local Government Efficiency Grant	NYSDOS 99 Washington Ave # 1015, Albany, NY 12210	2015	Green Infrastructure Code Audit, Green Infrastructure Design Guidance	CDRPC behalf of the Pool Communities
$178,500	NYS Consolidated Funding Application, NYSDEC Water Quality Improvement Grant	NYSDEC 625 Broadway, Albany NY 12207	2015	Regulator and Weir projects in Cohoes, Green Island, and Watervliet	Albany County Sewer District on behalf of the Pool Communities
$129,589	NYS Consolidated Funding Application, NYSDOS Local Government Efficiency Grant	NYSDOS 99 Washington Ave # 1015, Albany, NY 12210	2015	Performance of Local Code and Local Law Review and Green Infrastructure Technical Design Guidance	CDRPC behalf of the Pool Communities
$50,000	NYSDEC Estuary Program Grant	NYSDEC 625 Broadway, Albany NY 12207	2015	Green Infrastructure Credit Banking System	City of Albany
$2,000,000	NYS Consolidated Funding Application, NYSDEC Water Quality Improvement Grant	NYSDEC 625 Broadway, Albany NY 12207	2014	Upgrade Pump Stations	RCSD

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$112,465	NYS Consolidated Funding Application, NYSDEC Water Quality Improvement Grant	NYSDEC 625 Broadway, Albany NY 12207	2013	Discharge Notification System	CDRPC behalf of the Pool Communities
$2,400,000	NYS Consolidated Funding Application, NYSDEC Water Quality Improvement Grant	NYSDEC 625 Broadway, Albany NY 12207	2013	Disinfection Facilities at the North WWTP	ACWPD
$2,400,000	NYS Consolidated Funding Application, NYSDEC Water Quality Improvement Grant	NYSDEC 625 Broadway, Albany NY 12207	2013	Disinfection Facilities at the South WWTP	ACWPD
$450,000	NYS Consolidated Funding Application, NYSDEC Water Quality Improvement Grant	NYSDEC 625 Broadway, Albany NY 12207	2013	Disinfection Facilities at the WWTP	RCSD
$348,343	NYS Consolidated Funding Application, NYSDEC Water Quality Improvement Grant	NYSDEC 625 Broadway, Albany NY 12207	2013	Monument Square Green St.	City of Troy
$87,914	NYS Consolidated Funding Application, NYSDEC Water Quality Improvement Grant	NYSDEC 625 Broadway, Albany NY 12207	2013	N. Swan St. Park Green Infrastructure Project	City of Albany

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$30,000	NYS Consolidated Funding Application, NYSDEC Wastewater Infrastructure Engineering Planning Grant Program		2013	Middle Vliet St. Sewer Separation	City of Cohoes
$1,795,800	NYS Consolidated Funding Application, NYSDEC/NYSEFC GIGP Grant Program	NYSEFC 625 Broadway Suite 7, Albany, NY 12207	2012	Quail St. Green Infrastructure Project	City of Albany
$854,391	NYS Consolidated Funding Application, NYSDOS Local Government Efficiency Grant	NYSDOS 99 Washington Ave # 1015, Albany, NY 12210	2012	Legal Framework to execute IMA, create LDC, develop Discharge Notification System	CDRPC behalf of the Pool Communities
$1,000,000	NYSDEC Estuary Program Grant*	NYSDEC 625 Broadway, Albany NY 12207	2011	LTCP, Modeling, Tributaries Report, Sampling and Baseline reports	CDRPC behalf of the Pool Communities
$673,293	NYS Department of State's Shared Municipal Services Incentive Program	NYSDOS 99 Washington Ave # 1015, Albany, NY 12210	2011	LTCP, Modeling, Tributaries Report, Sampling and Baseline reports	CDRPC behalf of the Pool Communities
$150,000	NYS Consolidated Funding Application, NYSDEC Water Quality Improvement Grant (604-b)	NYSDEC 625 Broadway, Albany NY 12207	2011	LTCP, Modeling, Tributaries Report, Sampling and Baseline reports	CDRPC behalf of the Pool Communities
$80,000	USA EPA Grant		2011	LTCP, Modeling, Tributaries Report, Sampling and Baseline reports	CDRPC behalf of the Pool Communities
$50,000	NYSDEC/NYSEFC Green	NYSEFC 625 Broadway Suite 7, Albany, NY 12207	2011	Quail St. Green Infrastructure Project	Albany

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	Innovation Grant Program				
$790,390	NYS Consolidated Funding Application, NYSDEC Water Quality Improvement Grant	NYSDEC 625 Broadway, Albany NY 12207	2011	2011 Storm Sewer Improvements	City of Cohoes

$45,145,893	**Total Grant Funding Received/ Committed to Date**

*Reported as a $2m grant previously, but with a 50% match the Pool provided half the funds

Last updated 12/5/23

The project "George St. Sewer Separation," within the City of Cohoes, estimated by the LTCP to be a $400,000 project, was performed wholly by a private contractor as part of improvements needed for the construction of an apartment complex on George St. The project is estimated to have cost $200,000 but does not appear on the Corporation's books because there were no expenses incurred by the municipality to complete the project.

The communities will continue to rely on sources like those highlighted above to save ratepayers. An inherent benefit in applying grant funds to LTCP projects is that each dollar benefits 6 different municipalities.