



# N Y S C L A

NEW YORK CHAPTER & NEW YORK UPSTATE CHAPTER - AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS  
52 South Pearl Street - 3rd Floor Albany, New York 12207 518.465.5176 www.nyscla.org

## WINTER MEETING

**Date: January 19, 2008**

**Location: Albany, NY**

**Present:** D. McCord- (President)  
R. Gibney-Downstate  
R. Gass- Downstate  
E. Olinger-Officer (Treasurer)  
D. Conklin- Upstate  
E. Farrell- (NYSCLA Executive Director)  
A. Hart- Upstate  
C. May-Downstate

**Absent:** J. Thompson (Upstate)  
S. Marshall-Paetzel (Downstate)  
N. Bateman- Upstate (Secretary)  
E. Misztal, Upstate  
R. Kraft, Upstate

### General Business:

**NYSCLA Board Members** - D. McCord opened the meeting and it was determined that we did not have a quorum. R. Gass agreed to take minutes in N. Bateman's absence.

**Previous Meeting Minutes** - the draft minutes from the 21 July 2007 meeting previously submitted by N. Bateman need to be sent for review/approval via email ballot due to a lack of a quorum.

**Treasurer's Report** - submitted in writing and presented by E. Olinger. He had sent a draft 2008 budget for review noting that the 2007 budget year ended with a surplus. E. Farrell graciously offered to waive his AIA Secretarial Expense. After discussion, it was decided to revise the budget eliminating an item for bank charges, reducing Secretarial expenses from \$100 to \$50. It was noted that website expenses were significantly less than budgeted. We believe that we are likely being under billed and the website needs improvement; \$1,200 will remain the budgeted. E. Olinger suggested surplus funds from 2007 go to operating reserve. These funds would serve as seed money for lobbying/fundraising for licensure/sunset issues. If this occurred, it is anticipated \$100,000 would need to be raised. It was agreed that due to a lack of a quorum along with these corrections, that a revised 2008 Budget would be sent via email ballot. This needs quick response since quarterly transactions cannot be made until the 2008 Budget is approved.

E. Olinger stated this would be his last meeting, he was resigning and A. Hart had agreed to take over as Treasurer. Ed will continue to assist with Doug/Andy's transition. He will get Andy Quicken software. Ed will provide a list of steps to approve a budget to Andy and he will email this out for reference along with notes for the 2008 budget.

**Lobby Day is April 29** (subsequently changed to 15 April) – CEU's will be available and a reception will be held afterward from 4:30 – 5:00 P.M. R. Gibney suggested a form/survey should be completed as a debriefing; many people do not complete it. Legislators should formally thank you for visiting afterwards.

**Legislative Session Report**- E. Farrell, discussed various pieces of legislation

**Wicks Law:** - AIA has changed their position on the Wicks Law. Passed in Assembly but not in the Senate. AIA wants higher limits; 10 million Downstate base with adjustment with Department of Labor Cost/Business should be higher. Could be 10 million Upstate, 15 Million Downstate, with a variable component. There are upstate/downstate issues; there is a lack of Union employee's upstate to fill positions for contractors. Originally, this bill was 3 million downstate, 1.5 upstate and included labor agreements.

E. Farrell will make some recommendations. R. Gibney requested a list of approvable bills. We should focus on Majority member sponsored bills. In the Assembly, they should have a Democrat as the lead sponsor and a Republican sponsor in the Senate.

**Historic Preservation Tax Credit:** - AIA wants to encourage Historic Preservation Tax Credit revisions to increase applicability. Passed in Assembly but not in the Senate. E. Olinger indicated that this bill did not help upstate and adjustments would be needed. The current bill was limited to owner occupied, low income census tracts and excluded commercial buildings. Typically, owners in these locations could not afford to make the improvements, tax credits were irrelevant.

E. Farrell indicated most bills would carry over from last term this year.

**Professional Corporations:** - Non-professionals can only have a 25% interest in a professional corporation. R. Gibney has concerns with LA's who work for Design/Build firms but who are not an owner in the firm. This is not legal or ethical. Charles raised the issue that the Westchester phonebook has listing for non-LA under Landscape Architects. R. Gibney stated Office of PD would enforce this if you send a copy of the page to them with a complaint.

E. Farrell made suggestions for updating of the Lobby Day folder including making it a mailer with current awards and a listing of the Board of Directors. It was also suggested to put it on our letterhead and brochure.

E. Farrell stated only the AIA Executive Committee is put on letterhead; their membership is much larger. This aided in identification as a point of contact. He also discussed some AIA staff changes and additions. He inquired if we sent a newsletter. D. McCord and R. Gibney indicated this was added to Chapter newsletters. E. Farrell indicated AIA dues went up, membership remained the same. Their membership is much larger and approximately 2/3 of Architects are members. ASLA membership represents approximately 1/5 of Landscape Architects in the state.

E. Farrell explained that AIA membership is based on individual members, not firms. Delegates sit on their Board. The Board elects three members for the National Board and the Executive Committee. Only Registered Architects may join AIA. Unregistered architects may join as Associates. Vendors may join as affiliates.

R. Gibney raised the point that some non-registered landscape architects put ASLA after their name, which creates confusion.

E. Olinger reminded us this was his last meeting and asked E. Farrell to when "good" bills to support are selected. E. Farrell stated Late February; this may be connected to the budget, which come out Monday.

D. McCord requested the Downstate Chapter award winners and photos, which R. Gibney will provide.

Events such as those with CEU's should be sent to D. McCord & R. Gibney for inclusion on the website. The State Education Dept. regulations on Continuing Education or a link to them will be posted on the website.

### **Old Business**

Lorimar a provider of CEU's will provide for \$300-\$400 per CEU, it is unclear. A discussion followed if for-profit providers should be posted, if we should charge advertising fees. It was agreed we should not give out our email list.

The New Jersey Landscape Architecture Conference will be listed along with classes approved for NY CEUs.

D. McCord announced that J. Thompson would take over the Website from S. Paetzel. R. Gibney & D. McCord will assist in posting classes; the zip code search will be updated. This will go through Jeremy, the WebMaster.

D. McCord will sign and mail Certificates of Thanks to Nick Pouder, Doug Brackett, Kim Mathews, and David Young for past Board Membership.

E. Olinger has not made progress on Tele-Conferencing and will pass this on to R. Gibney. This will require passing new by-laws; some changes that have been made in the by-laws are not reflected in them, even if they were noted in the minutes. The changes should be verified with N. Bateman. D. Conklin believed electronic voting had been passed, although this was not reflected in the by-laws. The last hard copy was last revised in 1996. It will require retyping and should be posted on the website in PDF format.

### **New Board Positions**

R. Gibney will assume President

A. Hart as Treasurer

(E. Misztal will be asked to be secretary)

N. Bateman will resign as Secretary but will remain on the Board. A new Secretary is need; D. McCord nominated Erin Misztal and R. Gibney seconded the motion. Duties include taking minutes, mailing ballots, info such as budgets, emailing ballots and distributing minutes. As a 501-C Corporation email ballots must be unanimous.

R. Gass will contact N. Bateman for a job description.

Marshall Goff does the brochure for Lobby Day. E. Olinger suggested a calendar like the AIA produced, "Historic New York" that fits in a clear CD case with loose pages. Discussion on promotional materials occurred. They should be original, such as paper cubes or note cards. Lead times may be long.

S. Paetzel has indicated in an email that New York's Lobby Day is currently being used as a model for Legislation /Licensure advocacy nationally. New York is also instrumental in the creation of a "model tool kit" to assist licensed professionals in removing road blocks to practice. She requested information on barriers to practice. She should follow up.

C. May raised the issue in definition of practice of "Separate, self contained structures" What is that? Discussion of the Law, definitions not always clear, usually means a dwelling, with all basic facilities.

Refers to Britain & census standards. Clarification should be provided on our website that if a structure does not contain a bathroom or habitable space we could design it.

Discussion regarding local/antiquated laws that exclude Landscape Architects. The issue of separate AND self-contained is critical.

Language can be either inclusionary OR exclusionary. Often we are just not included, which excludes us by interpretation. SPDES/SWEPP/DEC Regulations INCLUDES Landscape Architects.

C. May raised the issue that some municipalities do not include Landscape Architects in storm water regulations and require Engineers. We can prepare erosion control and natural (surface) drainage. "All that is incidental & necessary". In Pennsylvania, this was not included and needs to be added.

E. Olinger – Local ordinances, technical terms regulatory and regulations by the State exclude Landscape Architects. SPDES regulations initially excluded Landscape Architects, but this was changed in latter phases. The problem can be interpretation, consultants and other Licensure Boards.

Tool Kit - Goal should be to prepare a toolkit to assist in recognizing barriers, tools around the problem. Some consulting firms recognize Landscape Architects. Conflicting/overlapping with other licensed professions, definitions, Engineering CANNOT exclude Landscape Architects since the definition of Landscape Architecture is so broad. Answers to frequently asked questions. Clarification of our training, testing and licensure as well as approved topics for CEUs that continue our training.

A person will be assigned to update LA & the Law. E. Olinger will give the electronic file to C. May. The Secretary at AIA will convert the file to a .PDF file. This document must exactly follow the licensure law or this could raise problems with Robert Lopez of the State Education Department.

Once the document is edited, consider mailing it out to municipalities. This was last done four years ago. This could be sent out with Registered Architect by AIA. Included with this could be Lobby Day issues.

### **New Business**

S. Paetzel, handout on Dark Skies – more info available at the next meeting.

E. Olinger, handout advocacy network – information on local lobbying.

Next meeting, April 5 or April 12

Lobby Day is April 29

R. Gibney suggested checking ASLA "Firm Finder" and try to determine who is an RLA and who is not. In New York to advertise as Landscape Architect, an RLA must be a Principal or have ownership in the firm.

E. Olinger stated ASLA is very inclusive; some persons are not RLA's but act in the role of a Landscape Architect even if a license is not required. Discussion on this subject continued until the meeting concluded at 12:45 pm.

Submitted by Richard Gass (acting secretary)