

New York State Council of Landscape Architects

New York Chapter and New York Upstate Chapter-American Society of Landscape Architects
235 Lark Street Albany, NY 12210 (518) 465-5176

WINTER MEETING

Date: January 24, 2004

Location: NYSCLA Offices-235 Lark Street, Albany

Present: K. Mathews- (President)
B. Rodriguez- (NYSCLA Executive Director)
E. Olinger-Officer (Treasurer)
D. Annese- Downstate
N. Bateman- Upstate (Acting Secretary)
D. Brackett- Upstate
D. Conklin- Upstate
D. Fasser- Upstate
J. Imbiano-Downstate
D. McCord-Upstate
N. Pouder-Downstate
B. Restaino- Downstate
D. Young-Upstate

Absent: R. Hawks- Upstate
P. Lester- Officer (Secretary)
B. Martin- (Exec. Secretary NYS Board for LA)

General Business:

- **Previous Meeting Minutes**-for the August 23, 2003 meeting were submitted previously by Interim Secretary N. Bateman; accepted by the Board.

Treasurer's Report-submitted in writing and presented by E. Olinger;
The 2004 budget and 2003 year in review were both accepted by the Board.

Legislative Issues- submitted in writing and presented by B. Rodriguez; approved by the Board as follows:

Administration: the **Contract management fee** for 2004 remains unchanged at \$4,800. The agreement is for use of facilities and legislative services through AIA New York State, Inc. "**Landscape Architecture and the Law**" was mailed to the Association of Towns and NYS Building Code officials in June 2003. It is suggested this mail out continue on a two-year cycle with the next mail out set for June, 2005.

Government Affairs: the **Joint Design Professions Meeting** did not happen in 2003, but efforts are underway to schedule it in 2004, possibly in February. **Lobby Day 2004** is set for Tuesday, April 27 for both AIANYS and NYSCLA. Again the night before, AIANYS has invited NYSCLA members K. Mathews, D. Fasser, and D. Conklin to attend the AIANYS Executive Committee dinner at a time and location still to be determined. The Legislative Program will be sent to all Senators, Assemblypersons and B. Rodriguez has requested NYSCLA members get to her any changes to the desired Legislative Program by April 1. As it stands, the current **proposed NYSCLA 2004 Legislative Program** consists of:

***Statute of Repose**-a shortened statute would be a positive step.

***Civil Justice Tort Reform Act**

***Certificate of Merit**

***Qualifications-Based Procurement of Professional Design Services**

***"Crumbling Schools" Initiatives**

***Wicks Reform**-this was alluded to by the Governor so it will be up again

***Smart Growth-Livable Communities-Sustainable Development**

***"Crumbling Schools" Initiatives/Annual Structural Safety**

***Historic Housing Tax Credits**

***Landscape Irrigation Certification Act**

***Design/Build**

***Corporate Practice of the Design Professions**

A comprehensive list of bills B. Rodriguez will be tracking throughout 2004 by both houses was distributed to all.

Other Legislative Issues:

Some carry over and/or new issues that could emerge for NYSCLA's attention are as follows:

Inspections by A/Es
***Affordable Housing Tax Credits**

- ***Good Samaritan**-there is currently a groundswell of interest by AIA on this with Engineers likely to also be supportive; there is time still to include NYSCLA
- ***Light Pollution**-still a legislative issue, but NYSCLA and AIANYS removed opposition several years ago based on the amendments we offered to the sponsors, which were accepted.
- ***Billboard Advertising**-this will continue to be monitored, however, not likely to be an issue this year.
- ***Herbicide/Pesticide issues**
- ***Mold and its professional liability consequences**
- ***Certificate of Authorization**-as it stands, is exclusive to Engineers right now, though last year it was recommended that architects and landscape architects consider adding themselves to this legislation, which seems to compliment corporate practice and help identify illegal practitioners. NYSCLA agreed, but AIANYS did not consider it a priority. B. Rodriguez plans to recommend it again to AIANYS to keep all design professions on equal footing. ***Invasive Species Advisory Panel**-B. Rodriguez could send to the Governor next week under K. Mathews' signature offering NYSCLA's services in recommending one or several NYSCLA members to serve on the Panel. B. Rodriguez encouraged us to nominate one or more specific members by mid February so our voice would be more unified. K. Mathews said she would forward two members recommended to serve.

Good news from last year was that the Governor signed the **Illegal Practice Bill**.

Old Business:

Mandatory Continuing Education (MCEs)- As we know, Engineers and Land Surveyors were recently successful in enacting a law requiring mandatory continuing education for their professions. NYSCLA continues their analysis of this issue spearheaded by D. Annese, D. McCord, E. Olinger, and N. Pouder, who presented a **draft position white paper** representing NYSCLA's stance on this issue, and which would form the basis of proposed draft legislation. The contents were discussed and **comments requested by members no later than Feb. 7** for the final version. MCE is a top priority item for both the 2004 and 2005 NYSCLA agenda. This is next step in keeping with our letter drafted last fall and signed by then President D. Conklin, which was mailed to both the Council of Landscape Architectural Registration Board (CLARB) and the American Society of Landscape Architects (ASLA) to inform them of New York's intent to lay the groundwork mandating continuing education (CE) for landscape architects. Following the white paper, next step for NYSCLA will be to draft legislation, then outline what we envision the MCE regulation should contain, while simultaneously developing sponsor requirements and a list of potential sponsors. Along with possible sponsors, more research on other key issues pertaining to program administration is underway. It is expected that, at a minimum, partnerships with ASLA, CLARB, CCNY, SUNY-Syracuse, and Cornell will be forged to facilitate this goal of mandated MCEs for landscape architects in New York. D. Annese said it is critical to accept the position paper in full, final form before moving ahead to the next step. K. Mathews acknowledged that a crucial item would be to make legislators aware of what is coming and what we are working on, and Lobby Day would be a great opportunity to do this. D. McCord noted he submitted a short article in Upstate ASLA's fall Newsletter explaining our strategy and where we are with examining this issue; the position paper represents NYSCLA's stance and will serve as a basis to work from with respect to getting legislation written and passed, then developing regulations the next year following passage. D. McCord requested B. Rodriguez advise of possible legislative sponsors so that by Lobby Day, things can be ready. B. Rodriguez said she would ask Assemblyman Canestrari and Senator LaValle to introduce the bill now. D. McCord also noted that the Engineers regulations went into effect Jan. 1, 2004 and thought it would be best if we could tailor ours in a similar way with respect to CE credit hours and we could include ASLA, CLARB, sponsors, etc. E. Olinger reminded everyone that the State Education Department (SED) prefers more sponsors/providers, and we need to work simultaneously with State Education Department staff and colleges/universities. He reminded us to keep in mind that with this process, the next step is to finalize the position paper, which leads to developing draft legislation. Once legislation is submitted and passed, regulations can then be developed the next year or so. General discussion continued regarding possible sponsors, timeframes, and possible methods for administering New York's program. E. Olinger said the legislation is largely boilerplate with hours and emphasis to be determined, and recommended "health, safety and welfare" be clearly stated as the basis for acceptable CE credits. Discussion ensued regarding whether to start the legislation process this year or wait until after the position could be disseminated statewide for review, targeting next year for submitting legislation. D. Conklin made a motion to move ahead with draft legislation wording exactly as the Architects, with the exception that "formal courses", be removed. The motion passed with only one abstention. K. Mathews requested members review position paper now and get comments to D. Annese, D. McCord, E. Olinger, and N. Pouder no later than Feb. 7. The final version can be posted on the website. K. Mathews identified key things next would be to: (1) identify legislators for support and (2) outreach effort to CCNY, Cornell, and SUNY-Syracuse, SED and the Board of Landscape Architects. D. Brackett said he would put this on the agenda for the next Board of Landscape Architects meeting. K. Mathews then asked for volunteers to meet with the following Universities and Continuing Education staffs: CCNY- J. Imbiano, N. Pouder, K. Mathews; Cornell- B. Restaino, D. Young, and M. Adelman if he agrees; SUNY-Syracuse/ESF- D. Annese, E. Olinger, D. Brackett; SED- D. Conklin D. Fasser, K. Mathews. K. Mathews suggested a MCE Committee member draft a letter of support to take to these meetings so their support could be requested at that time. N. Pouder agreed to do this. In addition, NYSCLA's position paper would be ready to distribute. B. Rodriguez suggested it would be best to draft legislation first prior to talking to legislators and that sponsors for the bill should be approached by K. Mathews, D. Conklin, and D. Fasser at a minimum.

New Business:

- **Report on Leadership Forum-Office of the Professions**-K. Mathews attended this on Dec. 10, 2003. No funds are available to follow through with the Illegal Practice Act right now.

Landscape Architects and Stormwater Plans- N. Bateman reported that it appears NYSDEC approves that Landscape Architects can stamp/certify stormwater pollution prevention plans (SWPPPs) statewide based on the new SPDES regulations which went into effect March, 2003.

Lobby Day- This year will be held on **Tuesday, April 27** and NYSCLA anticipates this to be an important one with the distribution of our MCE position paper; all comments on the proposed NYSCLA Legislation Program items and priorities should be to B. Rodriguez **no later than April 1**. Everyone was encouraged to please try and participate.

Administrative:

NYSCLA member to take on the NYSCLA sponsored LA Directory- motion was to nominate D. Young; motion passed in full.

New Downstate member- K. Mathews said a nomination is still being worked on.

Secretary/Meeting Minutes-K. Mathews had spoken with P. Lester who is not returning; motion was to nominate N. Bateman for Secretary position; motion passed in full. N. Bateman requested a couple members to review/comment on first draft of Meeting Minutes; K. Mathews and D. Fasser agreed to do this to expedite final posting to the website; it was agreed that once final minutes have been posted, N. Bateman will send an email notifying both Upstate and Downstate Chapter Presidents and Trustees that minutes have been posted on the website; this will also encourage and promote website use.

Calendar for 2004- Key dates are as follows:

Feb. 7: deadline for members to return comments on MCE position paper to MCE Committee members

March 20: Spring Board meeting

March 29: deadline for members to get comments re. NYSCLA's Legislative Program to K. Mathews so that she can forward them to B. Rodriguez as one package for Lobby Day (due to B. Rodriguez by April 1).

April 27: Lobby Day in Albany; contact any NYSCLA member for info

July 10: Summer Board meeting

Sept. 25: Fall Board meeting

Oct. 29-Nov. 2: ASLA Annual Conference, Salt Lake City, Utah

There being no further business, the Meeting was adjourned; the next meeting (Spring) is set for Saturday, March 20, 2004, at 10:30 a.m.

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