

APPROVED MINUTES

SARATOGA COUNTY SEWER COMMISSION No. 1
MINUTES OF MARCH 9, 2017
3:00 PM at the Treatment Plant

COMMISSIONERS PRESENT: Doyle, Hotaling, Loewenstein, Marshall, Ostapczuk and Thompson

COMMISSIONERS EXCUSED: Howe, Cannon and Hale

ALSO PRESENT: Dan Rourke P.E., Executive Director; Anne Gorman, Confidential Secretary; Grant Eaton, Maintenance Manager; William Bills, Assistant Maintenance Manager; Chad M. Cooke P.E., Deputy County Administrator; Robert Wilcox, Assistant County Attorney; Jim Fedorchak, Director of Environmental Health, Safety and Security, Global Foundries; Brendan Chudy, Esq. of Global Foundries Esqs.; Joel Rouillard, Environmental Manager, Global Foundries

Vice Chairman Ostapczuk called the meeting to order and welcomed everyone in attendance.

PLEDGE OF ALLEGIANCE: Led by Vice Chairman Ostapczuk

PUBLIC COMMENT: Jim Fedorchak, Director of Environmental Health, Safety and Security for Global Foundries addressed the Commission regarding a Notice of Violation that Global Foundries received, on February 28, 2017, from Saratoga County Sewer District #1 (SCSD #1) for an exceedance of their oil and grease permit parameter. Mr. Fedorchak said Global Foundries believes that the sample was unrepresentative and Global Foundries would like to appeal the violation. He then inquired how that process would take place.

Executive Director Rourke said the Sewer Commission will appoint an Appeals Committee towards the end of the meeting under that agenda item. He said once a Committee is appointed, a meeting will be scheduled with all parties to present their information. The Committee will then review the information and bring their findings and recommendations to the full Commission for a discussion and decision.

CHAIRMAN’S COMMENTS: None

APPROVAL OF MINUTES of February 9, 2017. *Commissioner Doyle made a motion to approve the minutes of February 9, 2017. Commissioner Hotaling seconded the motion. No discussion. The minutes of February 9, 2017 were approved. 5 Ayes, 1 Abstain, 3 Absent, 0 Nays.*

EXECUTIVE SESSION

On a motion by Commissioner Doyle and seconded by Commissioner Marshall, the Commission moved to go into Executive Session at 3:05 p.m. in accordance with the Open Meetings Law (Public Officers Law § 105(1)(2) for a discussion with Counsel regarding pending litigation regarding the 2008 plant expansion project. Motion passed: 6 Ayes, 3 Absent, 0 Nays.

On a motion by Commissioner Marshall and seconded by Commissioner Hotaling, the Commission moved to go out of Executive Session at 3:29 p.m. in accordance with the Open Meetings Law (Public Officers Law § 105(1)(2)). Motion passed: 6 Ayes, 3 Absent, 0 Nays.

2008 WWTP UPGRADE

Contract #1 –Executive Director Rourke requested a change order in the amount of \$3,197,665.00 for Contract #1 with Jett Industries, Inc. to replace and repair the aeration tank slabs for tanks 5, 6, 7 and 8. He said this is not a lump sum change order for the work, but rather a not to exceed amount with actual costs to be determined in the field for time and materials (T&M). Executive Director Rourke said the change order is within 10% of the original contract amount and money will need to be appropriated from the Sewer District's Fund balance.

Commissioner Marshall made a motion to approve a change order in the amount not to exceed \$3,197,665.00 for Contract #1 with Jett Industries, Inc. to replace the aeration tank slabs for tanks 5, 6, 7 and 8 on a Time and Materials (T&M) basis, subject to the approval of a fund balance appropriation to the 2017 Capital Budget. Commissioner Hotaling seconded the motion. Discussion involved term, conditions and language for the contract change order. Motion passed: 6 Ayes, 3 Absent, 0 Nays.

Aeration Tank 7 Repair – O'Brien & Gere (OBG) has requested a contract amendment in the amount of \$66,000.00 to complete the remaining tasks for aeration tanks 5, 6, 7 and 8. Executive Director Rourke said this contract was originally for design, construction administration and inspection of aeration tank #7 only, but now will encompass all of the tanks. It will also provide additional litigation support that was not initially expected. Executive Director Rourke provided a breakdown for the additional costs associated with the contract amendment.

Commissioner Doyle made a motion to forward a recommendation to the Saratoga County Board of Supervisors to approve O'Brien & Gere's contract amendment in the amount of \$66,000.00 for additional design and litigation support, increasing O'Brien & Gere's contract amount from \$135,000.00 to \$201,000.00. Commissioner Marshall seconded the motion. No discussion. Motion passed: 6 Ayes, 3 Absent, 0 Nays.

Fund Balance Appropriation – Executive Director Rourke requested approval to transfer funds from the Sewer District's Fund Balance to the Capital Project Fund account in the amount of \$2,697,665. He said this will bring the Fund Balance from approximately \$8.5 million to \$5.2 million.

Commissioner Marshall made motion to forward a request to the Saratoga County Board of Supervisors to approve a transfer funds from the Sewer District's Fund Balance to the Capital Project Funds account in the amount of \$2,697,665.00. Commissioner Loewenstein seconded the motion. Discussion involved contingency funds as well as budgetary constraints. Motion passed: 6 Ayes, 3 Absent, 0 Nays.

2015 CAPITAL PROJECTS

Bar Screen No. 3 and Mixer Project – Executive Director Rourke said the mixer manufacturer, INVENT, failed to inform the engineer, prior to contract, that they required motor soft starts for the mixers. INVENT has supplied the (4) motor soft starts needed at no charge. Executive Director Rourke requested a change order in the amount of \$2,260.00 to amend Spring Electric's contract to install the motor soft starts. He advised the \$2,260.00 change order is less than 10% of the original contract amount.

Commissioner Loewenstein made a motion to approve a change order in the amount of \$2,260.00 for contract #2 with Spring Electric, Inc. to install four (4) soft starts for the mixers, increasing Spring Electric's contract amount from \$49,049.00 to \$51,309.00. Commissioner Hotaling seconded the motion. No discussion. Motion passed: 6 Ayes, 3 Absent, 0 Nays

Bar Screen No. 1 and No. 2 Replacement – Executive Director Rourke said crews are on site and have been installing some ancillary items. He is hoping to start flow diversion and bypass pumping soon and get gates installed and screens replaced.

Incinerator Alternatives Study – Executive Director Rourke said the study has been completed and he has a digital copy to send to those who would like one. The next step will be for the Engineering Committee to meet and discuss the findings and review options moving forward and then bring that to the full Commission for discussion.

2016 CAPITAL PROJECTS

Odor Control – Executive Director Rourke said the engineer, GHD Consulting Services, Inc., is a little behind schedule on the design but he hopes to have documents ready to go out to bid in the next couple of months. Executive Director Rourke also mentioned that he will be contacting regulatory authorities to inquire about getting the Title V compliance date extended beyond August 2017.

Interceptor Relining Phase VI – Executive Director Rourke said a preconstruction meeting is scheduled for Monday, March 13, 2017. The contractor, Insituform Technologies, has already been onsite taking measurements and the project is moving forward.

Commissioner Loewenstein inquired about the Financial Planning/Rate Study Request for proposal (RFP). Executive Director Rourke said the RFP is ready to go out to bid, prices should be back by late March and he hopes to have a recommendation for award at the next Commission meeting.

ATTORNEY REPORT

Attorney Wilcox said he continues to work on sewer easements for Church Hill Road Sewer District and will be meeting with Executive Director Rourke to prepare an operation and maintenance agreement with the Town of Ballston's Sewer District.

Commissioner Loewenstein asked for a status update on the Town of Ballston's Sewer District. Commissioner Doyle gave an update. He said the Town Supervisor signed contracts on Wednesday evening and they had their first kick off meeting with the engineering firm, Adirondack Mountain Engineering. He said they are still looking at funding but will need a contract with the Sewer District, relative to paying the bond over a period of thirty (30) years. Executive Director Rourke said a meeting is scheduled for March 20, 2017 with the Town of Ballston Sewer Committee to discuss all the details moving forward.

DEDICATIONS: None

COMMITTEES

The Commission had a brief discussion on appointing an Appeals Committee with regard to Global Foundries appeal to a Notice of Violation that they received. Vice Chairman Ostapczuk appointed James Thompson as Chairman along with Commissioners Doyle and Howe as members of this new Appeals Committee. He also added Commissioner Marshall as an alternate member.

A motion to adjourn the meeting was made by Commissioner Marshall and seconded by Commissioner Hotaling. No discussion. The motion passed.

**NEXT COMMISSION MEETING
Thursday, April 6, 2017
3:00 P.M. at the Treatment Plant**