

APPROVED MINUTES

SARATOGACOUNTYSEWER COMMISSION No. 1
MINUTES OF FEBRUARY 6, 2020
3:00 PM at the Treatment Plant

COMMISSIONERS PRESENT: Howe, Bisnett, Doyle, Fillion, Hotaling, Keegan, Loewenstein and Thompson

COMMISSIONERS EXCUSED: Cannon

ALSO PRESENT: Dan Rourke P.E., Executive Director; Anne Gorman, Confidential Secretary; Assistant Chief Operator, Gene Hutchings; William Bills, Maintenance Manager; Andrew Marsden, Assistant Maintenance Manager; Michael P. Naughton, Assistant County Attorney

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

PLEDGE OF ALLEGIANCE: Led by Chairman Howe

PUBLIC COMMENT: None

CHAIRMAN’S COMMENTS: Chairman Howe said Executive Director Rourke has been very busy and there are a lot of things to discuss today. He said there was one thing he also wanted to mention as it kind of slips through the cracks, and that is how efficient Confidential Secretary Anne Gorman is with the job she does for this Commission. He said she is the conduit between the County Attorney’s office and County Administration and we are very lucky to have her working for us. Confidential Secretary Gorman thanked Chairman Howe and the Commission.

APPROVAL OF MINUTES of January 9, 2020. *Commissioner Hotaling made a motion to approve the minutes of January 9, 2020. Commissioner Doyle seconded the motion. No discussion. The minutes of January 9, 2020 were approved. 7 Ayes, 1 Abstain, 1 Absent, 0 Nays.*

2018 CAPITAL PROJECTS

Regional Biosolids Handling Facility – Executive Director Rourke informed the Commission we are working through some possible project cost increases as well as potentially resubmitting an application for more grant money this coming April. He said he did not have anything final on that yet but our consultant, Arcadis is working through some numbers now and a workshop is scheduled for February 20, 2020 where some of these capital increase costs will be discussed. Executive Director Rourke said this is a unique situation because depending on the option chosen, the capital cost may increase (i.e. for a dryer) but annualized cost and risk will decrease due to diminished O&M costs. He said he will have more information to share with the Commission in March, other than that the project is progressing and on schedule.

Ammonia Related WWTP Upgrades – Executive Director Rourke reported the Pilot is still operational and we are working with the manufacturer to overcome some current issues and questions. We have not yet started Phase 1 as we are still in the stabilization phase. Executive Director Rourke said this is frustrating as we would like to start Phase 1 and obtain some final data to determine if the Pilot is working and if it is the right solution. He said we are not there yet but we are working towards it and he hopes to be able to share some positive pilot results with the Commissioners at the March meeting.

Executive Director Rourke also mentioned he attended a seminar in New York City this week where he found out the State is likely going to be opening funding applications in April. He said he is going to work with our consultant, Barton & Loguidice (B&L) on that and hopefully get a funding application submitted for our Ammonia Upgrade project as well.

Interceptor Rehabilitation Design – Executive Director Rourke reported we are still moving forward with final design. He added SCSD will be reaching out to all municipalities soon to schedule informational sessions on the work that will we will be completing in each town. The project is on schedule to go out to bid mid to late summer, possibly even early fall. Executive Director Rourke said we have some flexibility with timing as this is a project SCSD is looking to push forward and have completed. Executive Director Rourke also discussed bond resolutions, funding options as well as getting a final budget number from our consultant, MJ Engineering.

2019 CAPITAL PROJECTS

Knox Woods (HM) and Riverside #1 (ST) Pump Station Upgrades – Executive Director Rourke reported there was a final comment and review meeting and we are awaiting 100% plans on that. He informed the Commission that we are aligned on all requested changes and the project should be ready to go out to bid this month and we will likely award a construction contract through this Commission sometime in April.

Executive Director Rourke also added he wanted to discuss infiltration and inflow (I/I) work upstream of the station with our consultant, Chazen to see if there is any possible funding for that work, whether it be an engineering planning grant or possible construction funding. He said now that we know funding opportunities are opening in April; we will be looking into either Environmental Facilities Corporation (EFC) funding or a Consolidated Funding Application (CFA).

Interceptor Rehabilitation Phase VIIA – Executive Director Rourke reported all of the slip lining work is completed and that is good news. He shared information regarding an unfortunate flow incident where the contractor blocked the pipe and bypass pumps could not handle flows, discharging a fair amount of raw wastewater onto the ground and into a homeowner's pond. He informed SCSD is working on the requirements for the remediation and the contractor is on board to implement whatever is required by NYSDEC. Executive Director Rourke stated minus that unfortunate incident, the project has been successful overall and the contractor will return in the spring to finish up restoration and paving.

Commissioner Hotaling inquired about the SCADA upgrades and wanted to know if that project was 100% complete and up and running. Executive Director Rourke said yes that capital project is complete. He said there were some hiccups as well as some additional costs that got approved by this Commission and the project is fully paid out and completed. Commissioner Hotaling thanked him for that update.

2020 CAPITAL PROJECTS

Environmental Benefit Project (EBP) Service Agreement – Executive Director Rourke reported there was a kickoff meeting held on January 16, 2020 with SmartWatt Energy. He said we are currently in the information exchanging phase, providing asbuilts, electrical asbuilts and studies of the ash landfill to ensure installation and work can be done for the solar ballast system. Executive Director Rourke said it will take approximately 10 weeks to get a full study phase design done and then a meeting will be scheduled to go over the plans as well as negotiations for a final price for the project. Executive Director Rourke said the project cost should be approximately \$1.3M per our consent order with by NYSDEC. Executive Director Rourke said as long as SmartWatt can meet the 10 week deadline, they are confident that the project will be complete by the end of this year as required by our consent order.

MISCELLANEOUS

Re-appropriation of Capital Funds – Executive Director Rourke said this is a house keeping item year to year for ongoing projects. He requested the re-appropriation of unexpended capital project's funds from the 2019 budget to the 2020 budget for construction costs and professional services associated with projects that were not completed in 2019. The total request for re-appropriation is \$6,882,942.00 for the following projects:

- Interceptor Sewer Rehabilitation Project
- Joint Regional Feasibility Study Engineering Services
- Pump Station Upgrades – Halfmoon and Stillwater
- WWTP Ammonia Treatment Upgrades

Commissioner Doyle made a motion to approve the request to the Saratoga County Board of Supervisors for re-appropriation of capital project funds in the amount of \$6,882,942.00 from the 2019 to 2020 Capital Project Funds. Commissioner Loewenstein seconded the motion. Discussion involved bonded projects vs. Capital budget funds and multiple re-appropriations. Motion passed: 8 Ayes, 1 Absent, 0 Nays.

Sewer Use Ordinance – Executive Director Rourke reported there was a Sewer Use Ordinance (SUO) Committee meeting held today before this Commission meeting. The Committee discussed proposed changes to the Sewer Use Rules and Regulations for Saratoga County Sewer District and Executive Director Rourke said he would be sending those changes out to the rest of the Commissioners and going over some of those changes now as well. He informed the reason this is happening rather quickly is because of our Consent Order and its March 31, 2020 deadline with the Environmental Protection Agency (EPA). Executive Director Rourke said he contacted the County Attorney's office to make sure they were in approval with moving forward with the timeframe allotted and that County Attorney Dorsey was okay with it as long as he received requested changes by the by the end of the month for January in which he did. Executive Director Rourke also mentioned that Attorney Naughton was reviewing some of the requests within the consent order and that is still under review at the County Attorney's office.

Executive Director Rourke said some of the changes we are looking at are:

- (1) Definitions of legal authority for federal regulations and what our authority should be. He said these regulations require that we have at least a legal authority defined in our SUO, so he added that definition.

- (2) Another change is to better define within our SUO The Rules and Regulations (adopted in 2003) that we follow for project dedications as well as our Specifications that were also adopted and our future Fats, Oils & Grease (FOG) control plan that will be adopted. Executive Director Rourke said he would like all of these referenced in this document, not necessarily a part of the document but referenced so the authority carries on into the document so they can be amended as needed without having to open up local law. Executive Director Rourke said he had a brief discussion with Attorney Naughton about the State Law and regulations where the law gets passed by the state legislature, and the state agencies promulgate regulations. Attorney Naughton said he will check to see if a similar construct could be established at the County level.
- (3) The last change is enforcement and penalties. Currently the fine is \$100/day per violation. Executive Director Rourke said today's typical value is \$1,000/day per violation.

Executive Director Rourke said those are the big changes, the rest is more defining notice of violations and authority to terminate permits (i.e. construction permit or industrial pretreatment permit) if not in compliance with our SUO. Executive Director Rourke said we need a motion to publish the proposed Sewer Use Ordinance (SUO) and set a date for a public hearing.

Commissioner Keegan made a motion for approval of publication of the proposed Sewer Use Ordinance (SUO) and scheduling the Public Hearing. Commissioner Hotaling seconded the motion. Discussion involved timeline for adoption and scheduling a Public Hearing before our Consent Order deadline date of March 31, 2020. Further discussion involved penalties, fines, levies, notices, sole discretion and enforcement. Motion passed: 8 Ayes, 1 Absent, 0 Nays.

Commissioner Hotaling complimented Executive Director Rourke on doing great job with amending the SUO. Chairman Howe asked Confidential Secretary Gorman to forward a copy of the amended version of the SUO to the rest of the Commission to review and added that he would like to review the SUO every five (5) years or so for any necessary changes.

SEM Contract Execution – Executive Director Rourke informed the Commission that we are participating in a program with NYSERDA (The New York State Energy Research and Development Authority) called the Strategic Energy Management program. This program is of no cost to the County where they perform audits and provide workshops, meetings and site visits to other plants. Executive Director Rourke said there is a contract associated with the program and it is a zero sum and NYSERDA really wanted SCSD to be a part of it. However, he did not have time before this meeting to discuss it with Attorney Naughton and County Attorney Dorsey to see if BOS approval is needed to sign this contract.

Executive Director Rourke said he would like to entertain a motion to execute this agreement with NYSERDA to provide these Strategic Energy Management services. A team of four (4) members have been chosen for the program, himself, Assistant Chief Operator Hutchings, Assistant Maintenance Manager Marsden and Confidential Secretary Gorman and we are hosting the first meeting here at the WWTP in March. Other entities involved are Town of Orangetown, Washington County Sewer District and City of Auburn and we come together to talk about interesting and unique ways to save energy at our facilities. Executive Director Rourke said he thinks this is a unique program, it is at zero cost to us and he would need a motion and a second if the Commission is willing to get the contract executed should we need BOS approval.

Commissioner Doyle made a motion for approval to execute an agreement with NYSERDA for the Strategic Energy Management program at a zero cost to the Saratoga County Sewer District. Commissioner Hotaling seconded the motion. Discussions involved question of why a contract is needed if there is a zero sum and who is the contract is with. Executive Director Rourke said the contract is with NYSERDA and they only make recommendations. They do subcontract to Cascade Energy and the program is fully funded by NY
Motion passed: 8 Ayes, 1 Absent, 0 Nays.

ATTORNEY REPORT – No Report

EXECUTIVE SESSION

On a motion by Commissioner Bisnett and seconded by Commissioner Thompson, the Commission moved to go into Executive Session at 3:39 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: 8 Ayes, 1 Absent, 0 Nays.

On a motion by Commissioner Keegan and seconded by Commissioner Hotaling, the Commission moved to go out of Executive Session at 3:54 p.m. in accordance with the Open Meetings Law (Public Officers Law § 105(1)(2). Motion passed: 8 Ayes, 1 Absent, 0 Nays.

DEDICATIONS

Clifton Park Church of Christ – Town of Halfmoon – Clifton Park Church of Christ requested dedication of the sanitary sewer infrastructure servicing the Clifton Park Church of Christ located at 250 Pruyn Hill Road in the Town of Halfmoon. *A motion to accept Resolution 2-2020 dedication of Clifton Park Church of Christ was made by Commissioner Hotaling and seconded by Commissioner Bisnett. No Discussion. Resolution 2-2020 accepting dedication of Clifton Park Church of Christ consisting of (2) manholes, approximately 95 ft of 8” DR-11 gravity main and approximately 18 ft of 8” SDR-26 gravity main in the Town of Halfmoon passed: 8 Ayes, 1 Absent, 0 Nays.*

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

**Next meeting March 5, 2020
3:00 P.M. meeting at the Treatment Plant**