

APPROVED MINUTES

SARATOGA COUNTY SEWER COMMISSION No. 1 MINUTES OF OCTOBER 8, 2020 3:00 PM at the Treatment Plant

COMMISSIONERS PRESENT: Howe, Bisnett, Cannon, Fillion, Hotaling, Keegan, Loewenstein, Thompson

COMMISSIONERS EXCUSED: Doyle

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

Chairman Howe welcomed everyone to the October 8, 2020 Saratoga County Sewer Commission meeting.

PLEDGE OF ALLEGIANCE: Led by Chairman Howe

PUBLIC COMMENT: None

CHAIRMAN'S COMMENTS: Chairman Howe informed the Commission that Gene Hutchings has been promoted to Chief Operator. He said that is one heck of an achievement, he thanked him and congratulated him on that. Everyone congratulated Chief Operator Hutchings and gave applause. Chairman Howe said he appreciates everything he has done so far and congratulated him again.

APPROVAL OF MINUTES of September 3, 2020. *Commissioner Keegan made a motion to approve the minutes of September 3, 2020. Commissioner Bisnett seconded the motion. No discussion. The minutes of September 3, 2020 were approved. 7 Ayes, 2 Absent, 0 Nays.*

RESTAURANT RATE DISCUSSION: Chairman Howe welcomed and introduced County Board Supervisor Tom Richardson of Mechanicville. He said he is here for a restaurant rate discussion and he handed the floor over to him.

Supervisor Richardson said he has come up with an idea to try and help out local restaurants in Saratoga County that are using the Sewer District. He said because of the pandemic, restaurants have been in a position where they have been closed down for several months this year and they are also in a position where they can only have 25% capacity. In order to help them survive he is hoping to give them some relief for this coming year's sewer bill. He said the tax bills go out in February next year, so he is hoping that we will be able to give them some sort of reduction. Supervisor Richardson mentioned a number of \$500,000.00 to be spread out over the course of how many restaurants we have that are actually connected to the sewer district. There are some logistics we have to figure out and he has had discussions on some different ways to handle this, but he said he thinks if we did something like that we would be able to allow restaurants to pay only 50% of their sewer bill which would probably help many of them survive rather than close down. Supervisor Richardson said it has been a real concern of his, not only for the City of Mechanicville but everybody up and down the corridor that uses the Sewer District. He welcomed any questions and thoughts by the Commission.

Chairman Howe mentioned there would be some exempted areas like the City of Saratoga Springs. Executive Director Rourke said yes, we bill on aggregate flow for Saratoga Springs so there is no mechanism for us to assist them. For clarification, Commissioner Loewenstein asked we don't bill the City of Saratoga Springs, they deal with the City? Executive Director Rourke said correct. He mentioned that Saratoga Springs bill is less this year than it has been because the aggregated flow has been down so the City itself is seeing a savings for 2021.

Supervisor Richardson said a lot of these people are in great need and if we can do something to help them it would be a good thing. He said if we lose a lot of these restaurants that is lost money for the Sewer District as we move forward. If the place gets closed and boarded up, there is no revenue coming this way. He said there's a domino effect here and he thinks it's relative and if we can do something to help these people it would be great. Supervisor Tom Richardson added that he has had conversations with a lot of the Saratoga County Supervisors and the feedback he has gotten is very good. He said they all think that this is a good idea and they have delegated him to be the point person to see how we can figure this out and move it forward.

Commissioner Keegan inquired if this was a onetime recommendation. Supervisor Richardson said it's a one shot deal. He said we're not looking to do this every single year; there are just certainly unusual circumstances to say the least this year. Commissioner Loewenstein inquired if it would be retroactive. Supervisor Richardson said no, it would be for this coming sewer bill for 2021. Chairman Howe asked for clarification if the \$500,000.00 number represents 50% of restaurant revenue per Executive Director Rourke's email that was sent to the Commission. Executive Director Rourke said yes. He referred to his email attached to the agenda packet and said running averages and a quick data base search with DOH that seemed like possibly the worse case and he said he likes the idea of setting a cap on the dollar amount incase his calculations were incorrect. He added this is it and when it's gone it's gone.

Chairman Howe said he would be frank and say we have done our part so far, were approaching this year without a rate increase, and with the COVID testing initiative it is costing the Sewer District a lot of money but we're okay. He said our heads are above water and he said Executive Director Rourke thinks we can make this work without interrupting our operations. He added it's not often that the Board of Supervisors (BOS) comes to us and asks us for something like this. Chairman Howe said he takes it very seriously and asked for a motion and a second to have a discussion.

Commissioner Hotaling said after hearing Supervisor Richardson's comments, he said he's got a great point. If we lose these restaurants, there are a lot of small mom and pop shops that are going to go under and people aren't investing in opening new businesses right now either, so it could be a hardship for a couple of years if we don't try to help in some sort of way. Chairman Howe thanked Commissioner Hotaling. Commissioner Thompson inquired about the other mom and pop shops like hair salons and barber shops that have closed. Chairman Howe said we talked about the different uses that are County wide but the well is only so deep. Commissioner Thompson said he understands that but a lot of restaurants are still doing take out but how do we tell other customers that it is only good for restaurants.

Commissioner Cannon commented restaurants show that they bring people into the other small mom and pop shops and restaurants are much more of a contributor our revenue so to speak and that is why they may be a good place to start. Executive Director Rourke said good point. Supervisor Richardson said one thing he mentioned to Executive Director Rourke was we can't save everybody, he'd love to but it's obviously not feasible. He said he felt that restaurants closing would have a very big impact and they are a major contributor to the communities. He said he is sorry to say that because someone always gets left out.

He said there is always someone who is going to fall through the cracks. No matter what we do here, there is going to be some criticism. Supervisor Richardson said to take some of that criticism off the Sewer District's hands he will take calls and answer questions that arise. So he said we can't save everybody, he understands that but we can save a critical area here as far as the County is concerned.

Commissioner Bisnett inquired how these places are billed and if there were a lot of small restaurants that rent property where the bill doesn't necessarily go to them, it goes to the landlord. Chairman Howe said that was part of a lengthy discussion prior to the meeting. Commissioner Bisnett said that is a real concern because there are a fair number of small places that don't get individually billed and they are probably more at risk than some of the bigger places. Supervisor Richardson said speaking of someone falling through the cracks; those may be some of the people. Executive Director Rourke said we have a sharp Commission. He said he is hoping we can complete this task; he thinks we have the data needed to be able to complete it and he needs to talk to Assistant Maintenance Manager, Andrew Marsden our Geographic Information System (GIS) expert to help out with this. He is hoping to figure out a percentage of restaurants that are directly billed by the Sewer District and those restaurants that are the anchor tenants. Once we have the answer to that it will give us a better idea for budgeting and let us know how many people we are actually going to be helping.

Commissioner Bisnett asked if we had a legal mechanism to reimburse people for a bill that they were not directly billed. Attorney Naughton said current law only allows for a rebate or credit to rate payers if there is an error or omission or something wrong with the collection of a tax in which they can apply for a refund or a credit. It doesn't recognize right now a program such as this, it will have to be something separate approved by the BOS, probably as a local law as somewhat of a program that would recognize this as a need and then allow for an application and a grant of some kind for individuals that are eligible. Commissioner Hotaling inquired if it would be a law that would expire at the end of 2021 and Attorney Naughton said more or less.

Commissioner Loewenstein said while he thinks this is a good idea; he asks whether it is going open up a can of worms for the rest of the commercial users that are on our list. This is on the table today and we are going to have a public hearing on it, he wonders how many indoor theaters which have been in the news that have not been able to open at all and if we are going to open ourselves up to criticism as suggested or if we're going to end up widening the program or just having to say no. He said if we do it, we have to anticipate the rest of the story or what the fall out might be. Supervisor Richardson said he understands and as he said there will be criticism no matter how this happens, there is going to be somebody who falls through the cracks and somebody who is not going to be happy. Commissioner Loewenstein said a lot of people are going to fall through the cracks, every commercial user. Supervisor Richardson said the thing is though that restaurants are based on seating capacity so he thinks that puts them in a different kind of category.

Executive Director Rourke said he is not a policy maker, this is the Commission's decision but the question is do you help somebody or nobody. Commissioner Loewenstein said no good deed goes unpunished. Supervisor Richardson said that's it in a nut shell. Chairman Howe said we are just going to have to work out the logistics but what he would like to do is at least get a straw poll on it and who is in favor of moving forward with this initiative to help Supervisor Richardson at the County level. Chairman Howe asked Attorney Naughton for direction. Attorney Naughton said you can do a straw poll or go into executive session and do it that way as well where you can keep it amongst yourselves. Chairman Howe asked for a motion to go into executive session.

EXECUTIVE SESSION

On a motion by Commissioner Hotaling and seconded by Commissioner Fillion, the Commission moved to go into Executive Session at 3:31 p.m. in accordance with the Open Meetings Law (Public Officers Law § 105(1)(2) for a discussion regarding restaurant rate discussion with Supervisor Richardson and staff present. Motion passed: 8 Ayes, 1 Absent, 0 Nays.

On a motion by Commissioner Thompson and seconded by Commissioner Loewenstein, the Commission moved to go out of Executive Session at 3:44 p.m. in accordance with the Open Meetings Law (Public Officers Law § 105(1)(2). Motion passed: 8 Ayes, 1 Absent, 0 Nays.

Chairman Howe thanked Supervisor Richardson for his efforts. Supervisor Richardson said hopefully we can come to some sort of conclusion to help some people. He thanked the Commission for their time and the commissioners thanked him as well.

2021 SCALE OF CHARGES

Approval of publication for the proposed rates for 2021 and scheduling the Public Hearing for 9:00 A.M., November 5, 2020 in the Board of Supervisors Chambers.

Executive Director Rourke presented the Sewer District's financial model and provided a list of capital projects moving into 2024. He said 3-4 years ago Raftelis was hired to do a financial model of our expenses, revenues, and our potential capital plan. The model he presented accounted for those projects, debt service for larger projects including fees, interest rates, etc., it also accounted for increasing O&M costs year over year and our beginning fund balance as well. Executive Director Rourke touched on debt service, rates, revenues, projected revenues, capital projects, other budgeted revenues for 2021. He said as discussed last meeting the thought was to forgo a rate increase due to the COVID pandemic. He wanted to show the Commission that we will be financially stable if we do not do a rate increase for 2021.

Chairman Howe thanked Executive Director Rourke and said that was very informative. Commissioner Loewenstein asked if the \$500,000.00 amount that Supervisor Richardson talked was factored into the financial model. Executive Director Rourke said great point and he inputted that information into the model to calculate the Sewer Districts fund balance which went from \$16.6M to \$16.1M which showed we are still doing okay. Chairman Howe entertained a motion to advertise the proposed Scale of Charges for 2021 and schedule the Public Hearing for November 5, 2020 at 9:00 A.M.

Commissioner Hotaling made a motion for approval of publication of the proposed Scale of Charges for 2021 and scheduling the Public Hearing at 9:00 A.M. on November 5, 2020 at the Board of Supervisors Chambers at the Saratoga County Municipal Center in Ballston Spa. Commissioner Bisnett seconded the motion. Discussion involved Attorney Naughton's clarification that this will was not going to be a typical public hearing as due to public health and safety concerns related to COVID-19, the public will not be permitted in-person access to the meeting and that the Sewer District will only be receiving written comments. The motion for approval of publication of the proposed 2021 Scale of Charges and scheduling of the Public Hearing for Thursday, November 5, 2020 at 9:00 A.M. at the County Complex passed: 8 Ayes, 1 Absent, 0 Nays.

2018 CAPITAL PROJECTS

Regional Biosolids Handling Facility – Executive Director Rourke gave a status update. He said last month we talked about how sludge loading was increasing with the ammonia project and how that affected this project. We talked with Albany County and the consultant and we thought it best to update our current cost estimate and what that total increase cost would look like. He said there are engineering fees associated to do that effort because of the scale of the project; there are a lot of things that need to be updated, our energy model, and different options for all the sludge, some of the sludge, digester sizing, dryer sizing, etc. there is a lot that goes into it. Executive Director Rourke said he doesn't have the final cost now but it's going to be approximately \$50,000.00 and obviously that is split 50/50 between us and Albany County. He believes that's the intent to split that cost. Those conversations haven't happened yet but this is less than 10% of our total contract amount, our side of the contract was approximately \$2.5M but once he has a final cost on that he will bring it to the Commission for their approval.

Ammonia Related WWTP Upgrades – Executive Director Rourke reported we are still on track to submit our report to NYSDEC by the end of October. The costs have been refined and updated, we have (2) different options, our MLE option is currently at approximately \$40M and the IFAS option is approximately \$45M. This is including engineering costs as well and these costs were reflected in the financial model. He said we are working to refine those numbers hopefully a little bit more by performing some additional testing this month on site to better understand our AOB which is Ammonia Oxidizing Bacteria growth rate. He said hopefully after this testing these numbers can slightly be decreased but we are on track to submit our report per our SPDES permit consent order by October 30, 2020.

2019 CAPITAL PROJECTS

Knox Woods (HM) and Riverside #1 (ST) Pump Station Upgrades – Executive Director Rourke reported we are still in the process of ordering our pumps; actual construction onsite has not started yet. We are hopefully slated to start in the next month or two. There is some decent lead time on our Flygt Pumps, typically 8-12 weeks. There were some questions on the electrical side, single phase vs. 3 phase, those got answered so they are now on order.

2020 CAPITAL PROJECTS

Environmental Benefit Project (EBP) – Executive Director Rourke reported the design is at 100% and the ballasts are ordered. He will have a date next week when they are expected to ship. He hasn't heard if they are going to need an extension from us due to compliance and this item being complete by December 31, 2020 with NYSDEC. If there is a request he will let the Commission know when that happens, again this is another compliance item in our consent order where this EBP needs to be completed by December 31, 2020. Obviously it looks like we are not going to hit that date and we will request an extension from NYSDEC.

Storage Building/HVAC and Roof Replacement Design – Executive Director Rourke reported we have completed all of our information and onsite visits and preliminary engineering should begin next week so that project is moving forward.

WW Covid Testing – Executive Director Rourke said attached to the agenda packet is a proposal from Arcadis. He said we discussed this when we passed the initial contract for the lab to run and analyze the samples. We've had a consultant on our side as well the whole time analyzing data, working with the lab, coming up with better processes and sharing information. Executive Director Rourke said this proposal is for

that work. Some of this work they were doing on good faith which we talked a little bit about before, he said approximately \$60,000.00 he believes has been spent on renting the samplers that are in the wet well and also trying to derive the samples to Syracuse. Commissioner Keegan asked who is using the data. Executive Director Rourke said we “The County” and he gave an example of something that happened a few weeks ago where we had a pretty large spike at one of our sampling locations. That spike was then shared by our consultant because it was so concerning with the NYS Department of Health and they then instituted a week program in that town to see if we could find what may have been causing it because it was getting worse. All of that sampling was paid for by New York State which has been part of our goal in going down this path. Executive Director Rourke added that one positive that we have found of this is our County is unique in many ways, it is unique in the fact that we see spikes in the data that we get and then it typically goes right back down. What we see in other locations in the state is that spike in wastewater tends to continue to trickle upward, for whatever reason that we do not know. Executive Director Rourke said in his opinion this is confirming that whatever we, the County and the residents of the County seem to be doing is the right thing because we are not seeing a continued growth in RNA in the wastewater. This is shared with our County Health Department and they are happy with that information. Contact tracing is working, quarantining is working, each County has different levels of when they put people in quarantine so whatever our level is it is working and people are responding.

Chairman asked if we were looking for this total amount today. Executive Director Rourke said yes it is a not to exceed \$96,700.00. He said these costs will decrease slightly too as we are going to reduce the number of catchment areas that we are going to sample; we are at nine (9) right now and he would like to go down to three (3). What we found is that well timed grab samples tend to offer the same level of information as a composite sample so we would take composite samples if there is anything alarming, go upstream with well time grab samples which we just went through in the one town mentioned before. Executive Director Rourke said the contract is a not to exceed with the hope that we don't reach this number. Chairman Howe entertained a motion to increase the minor contract with Arcadis to a major contract for an amount not to exceed \$96,700.00 as listed in the proposal letter.

Commissioner Loewenstein made a motion to forward a recommendation to the Board of Supervisors to execute an amendment to the agreement with Arcadis in an amount not to exceed \$96,700.00 for the continuation of sampling through December 16, 2020. Commissioner Hotaling seconded the motion. Discussion involved how long the sampling last, what the County is doing with the information received, if costs could be passed to the County Health Department and when that decision can be revisited. Motion passed: 6 Ayes, 1 Abstain, 1 Absent, 1 Nays.

Interceptor Relining Phase VIIB – Executive Director Rourke informed we had originally awarded a contract with Bond Schoeneck & King for all three (3) projects but when he spoke to County Attorney Stephen Dorsey, he stated it would be much cleaner if we could do it one (1) at a time. So, we have a contract with Bond Schoeneck & King for our Regional Joint Biosolids Facility and this would be the next contract for our Interceptor Rehabilitation Design. The approximate overall costs for this contract would be \$20,000.00; it is likely going to be \$15,000.00 for the bond issuance and \$5,000.00 for our Office of State Comptroller (OSC) application. We need to submit for approval to the OSC because the cost per user is above \$8.00 per user for this project which is the threshold for 2020. Our Biosolids project was \$4.00 and change and did not need to go for approval. Executive Director Rourke informed this application needs to be completed and bond counsel is going to assist with that and the cost per user for this project is \$22.49 Chairman Howe entertained a motion to authorize an agreement with Bond Schoeneck & King for the Bond Counseling services for the Interceptor Rehabilitation Design project.

Commissioner Hotaling made a motion to forward a recommendation to the Board of Supervisors to authorize an agreement with Bond Schoeneck & King per their engagement letter to provide bond counsel

services for the Sewer District's Interceptor Rehabilitation Phase VIIB project. Commissioner Bisnett seconded the motion. No discussion. Motion passed: 8 Ayes, 1 Absent, 0 Nays

MISCELLANEOUS – None

ATTORNEY REPORT – Attorney Naughton said the only thing he has is the one (1) dedication Eastpointe Residential Subdivision in the Town of Halfmoon.

DEDICATIONS

Eastpointe Residential Subdivision – Town of Halfmoon – Abele Builders, Inc. requested dedication of the sanitary sewer infrastructure servicing Eastpointe Residential Subdivision in the Town of Halfmoon. *A motion to accept Resolution 6-2020 dedication of Eastpointe Residential Subdivision was made by Commissioner Hotaling and seconded by Commissioner Bisnett. Discussion involved accepting dedication conditioned upon receipt of an amendment to the original Letter of Credit (LOC) from M & T Bank specifying a new dollar amount and new expiration date. Discussion involved the conditions of dedication. Resolution 6-2020 accepting dedication of Eastpointe Residential Subdivision consisting of (6) manholes, approximately 350 ft of 3" HDPE low pressure force main and approximately 880 ft of 2" HDPE low pressure force main in the Town of Halfmoon **conditioned upon receipt of an amendment to the original Letter of Credit (LOC) from M&T Bank that specifies a new dollar amount and new date of expiration** passed: 8 Ayes, 1 Absent, 0 Nays.*

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

**Next meeting November 12, 2020
9:15 A.M. at County Complex, Bldg 1 following Public Hearing at 9:00 A.M.**