

APPROVED MINUTES

SARATOGA COUNTY SEWER COMMISSION No. 1 MINUTES OF JANUARY 7, 2021 3:00 PM at the Treatment Plant

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

COMMISSIONERS EXCUSED: Howe and Cannon

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

Acting Chairman Bisnett filling in for Chairman Howe welcomed everyone to the January 7, 2021 Saratoga County Sewer Commission meeting.

PLEDGE OF ALLEGIANCE: Led by Commissioner Thompson

PUBLIC COMMENT: None

CHAIRMAN'S COMMENTS: Acting Chairman Bisnett informed the Commission there were three (3) Commissioners sitting un-reappointed due to the changeover at the County Administrator's office.

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

2018 CAPITAL PROJECTS

Regional Biosolids Handling Facility – Executive Director Rourke gave a status update. He said we are awaiting approval from Albany County to continue with the cost estimate work. He said there is enough money in the design allowance to perform this extra work and we have the proposal from Arcadis. The work is associated with the increased sludge projections due to our ammonia upgrade and we want to see how that affects the design of the biosolids handling facility.

Ammonia Related WWTP Upgrades – Executive Director Rourke informed all reports were submitted to NYSDEC on time to meet our consent order deadline of December 31, 2020. He is currently awaiting the proposal from Barton and Loguidice to perform the additional design work associated with the increased scope based on all of the completed work in the planning phase and the analysis phase. The addendum to the report itself showed some positive information with regards to our Ammonium Oxidizing Bacteria (AOB) growth rate that he has mentioned before. He said that is good because we can start designing the less costly option of Modified Ludzack-Ettinger (MLE) process at this facility to handle the ammonia load from Global Foundries (GF) and added that was encouraging news. He informed the Commission there was a cost estimate for the project of \$38M currently in the agenda packet. He said that number will get refined as we get into 30%, 60% and 90% of design. Commissioner Loewenstein inquired how much we were carrying in

our Capital Plan. Executive Director Rourke said we are carrying \$39M in the Capital Program, that is without having a hard engineering number, he did not know if the \$5M was a reality or not on a \$24M construction project but we will see. He said is awaiting that proposal from the Engineer, Barton & Loguidice.

Commissioner Hotaling said with regard to the model we are using now, if GF grows another phase is there a limit to how much more can we accept than what we are accepting right now. Executive Director Rourke said with this project we will have enough for the entirety of GF's existing FAB to entirely tool out and discharge to us. All that ammonia is carried in these projections and also carried in these projections is more than 2 MGD of residential and commercial growth as well. He informed there was a lot of back and forth with NYSDEC on growth in the County, we chose to use Capital District Regional Planning Commission (CDRPC) numbers and NYSDEC didn't quite agree so we ended up doubling our safety factor on residential growth to appease them. Executive Director Rourke said is that reality, probably not. Is it the worst thing in the world to be conservative, no it is not. He said he was okay with being that conservative and he didn't think it was increasing our cost that much. If GF is going to build a new FAB, it would need to be reviewed at that time. He did not find it prudent to spend an extra \$10-\$20M right now to get ready for that FAB because we just don't know right now. Executive Director Rourke said he would be surprised if anyone held him or the Commission responsible for not planning for something that is unknown at this point.

Commissioner Loewenstein mentioned it could become an issue. Commissioner Hotaling said that is why he was trying to make sure we had some wiggle room before it becomes an issue. Executive Director Rourke said he does not know how to plan for something that may not happen at this point. Commissioner Loewenstein said it has been heard that GF is going to build something but not sure where it is going to be, it could be here or overseas or someplace else. Executive Director Rourke said he asked GF for projections and received one (1) email back that they would need 9 MGD at typical residential ammonia loads for the next FAB. Executive Director Rourke said it is just not feasible at this time to include it in this design. We have options with Modified Ludzack-Ettinger (MLE) and Integrated fixed-film activated sludge (IFAS). One thing we know you can do with IFAS is you can get more out of your tanks, we can put floating media in the tanks to run a higher mixed liquor and that will allow us to treat more ammonia in the same size reactor. He added it isn't prudent to do it now because we don't need it right now but if we need it in the future we have some of those pieces and parts that are being installed today i.e. recycled pumps, baffle walls, denitrification zones. We are installing those things now that will hopefully be somewhat reusable should we need any type of increased capacity in the existing tankage.

Commissioner Hotaling said there is no revenue right now but he is worried the more they develop it the hardship will come here to the WWTP. Executive Director Rourke said it's one of those things where when you are designing a sewer system or a plant to treat wastewater you really need the information of what's going in and how much to be able to have any type of intelligent response on how it is going to be handled. He said if you don't know the load coming down, you could make guesses but as we are learning here just a few more thousand lbs. of ammonia can make things very difficult for us here. While there is some wiggle room depending upon what is going in, it's difficult to plan for any excess. He said it's easy to plan for residential growth, office space growth and commercial growth which has been planned for, it would just be for another industry or another FAB that we would really need to take a hard look at. Executive Director Rourke said GF would have to submit an application to us to ensure that we are protecting public health and the Hudson River.

Commissioner Loewenstein said from a timing perspective right now for the proposed project, when would it be up and running? Executive Director Rourke said he thinks our consent order has construction completed by the end of 2024. Commissioner Doyle said he didn't see how the County could go out and spend that money right now without any reassurance that maybe that is a discussion that needs to take place.

Commissioner Hotaling said rule of thumb is if the FAB doesn't make it in ten (10) years they are down the road to another one. Commissioner Doyle said when they started the first FAB plant there was a lot of help from the State with direction and things of that nature but he has not heard of anything yet about a new FAB.

Commissioner Hotaling inquired about collecting the chemical cost for the ammonia. Executive Director Rourke said he had a number in mind, we are not at that number yet but he was able to negotiate \$150,000.00 payments for quarter 1 and quarter 2 of 2021 with the thought that those negotiations would continue and be finalized by April of this year. He thought those costs were closer to \$700,000.00 for the year but he was able to negotiate initial payments at least of \$300,000.00. Executive Director Rourke added that number is based on actual money spent by us. We spent approximately \$1.1M in magnesium hydroxide costs in dosing last year. He shared invoices with them as well as monthly costs and said this is reality and the reality is it's because they are dredging so much ammonia.

Commissioner Hotaling mentioned there was an article on Monday from Poly Business Review 524,000 wafers shipped, that's the most ever out of FAB 8 so they should be at a good point for data tracking right now. Executive Director Rourke said for an industry they are relatively consistent. The issue in his opinion is the 24/7 operation and determining residential and industrial loads. We are working with GF and they are assisting with some analysis with what percentage of flow is GF and what percentage of flow is their effluent to our influent. He said sometimes it is upwards of 50% we are running low flow which changes this place and it doesn't run like a residential WWTP anymore at that point.

Commissioner Thompson inquired if the flow has increased during the day with people working at home and staying at home. Executive Director Rourke said yes we have seen a slight increase in flow. What we have really seen is an increase in load from the residential side. Our BOD where it was a typical 180-190 we are seeing more 200-220 and TSS is typically 320-330 and we are seeing upwards of 380. Some of that is attributed to people staying home. Our counterparts down in Albany are seeing the exact opposite. Their south plant is used to seeing 130-140 influent BOD and they are seeing 70-80 BOD.

Commissioner Loewenstein said one more question, on the hypothetical when are they going to make a decision on the FAB 8 or if they were to build FAB 8 how long would it take? Executive Director Rourke said from past experience and from what he understands initial discussions started in 2003-2004 and maybe even previous to that, design of our facilities started in 2006 and construction was completed in 2010. There was a 10 year window and he would guess that was probably similar for Global Foundries. He thought it took approximately 3-4 years to build that FAB, actually build not design and planning. Commissioner Loewenstein said his only point is if they made a decision today it would not be up and running for 4 years so we would have time to make adjustments down the road.

Executive Director Rourke said he appreciates the questions. We are thinking about it and it is an interesting problem and when it presents itself, we will absolutely try our best to come up with a solution as quickly as possible. Commissioner Doyle said from our discussions there are some things we can do to make it a little bit better but maybe not handling all of it.

2019 CAPITAL PROJECTS

Knox Woods (HM) and Riverside #1 (ST) Pump Station Upgrades – Executive Director Rourke reported the schedule from the contractor was received this morning and it looks like they want to mobilize on January 18, 2021. He said all equipment is ready to go and it looks like that schedule has them completing construction by early to mid March.

2020 CAPITAL PROJECTS

Environmental Benefit Project (EBP) – Executive Director Rourke reported our solar array project is still progressing nicely as you can see outside. He mentioned to the Commissioners that when they leave they can take a look and see all the ballast out there. The contractor is beginning panel installation and wiring. A meeting was held today and they are currently 2 weeks ahead of schedule, which is great. He is hoping installation is completed by the end of February or early March and then we can get with NYSEG on powering up which is a thirty (30) day process. All in all, this project seems to be going very well.

Storage Building/HVAC and Roof Replacement Design – Executive Director Rourke reported a meeting was held on Wednesday, January 6, 2021. He said one of the critical path items was our AHU-5. He said it is sized and we are looking to put the specification together and possibly go out to bid to purchase that piece of equipment with a resolution and go out to bid for the installation in February with an award in March. He informed we have a design for the new storage building and he is happy to share the site plans with anyone who is interested. Other than that, everything seems to be progressing well and moving along nicely.

Interceptor Relining Phase VIIB – Executive Director Rourke informed we are finalizing the Office of State Comptroller (OSC) application for submission and hopes to have that submitted by the middle of this month with an approval within 60 days. That will bring us out to the middle of March and then we will be looking at passing a bond resolution between March and May. Once the bond resolution is passed through this Commission and the Board of Supervisors (BOS) we will be looking to go out to bid for that project. Executive Director Rourke said the hope is to start construction in late summer or early fall of this year.

Riverside (Stillwater) I&I Reduction Design – Executive Director Rourke reported we are still waiting on the engineer to sign the amended contract so we can get started on the design work. Hopefully we get that executed and that design work done with the contractor on board and here in the next 6 months. He informed Confidential Secretary Gorman has reached out and the engineer is mailing the executed amendment to us for final execution.

Saratoga Springs Pump Station and F.M. Evaluation and Design – Executive Director Rourke reported some preliminary manhole inspection work was initiated in December. He said we received that information back and a kick off meeting will be scheduled for the full design of that this month with Weston & Sampson.

2021 CAPITAL PROJECTS

LED Lighting Upgrade – Executive Director Rourke reported the contractor is currently performing their constructability walk through. They were here yesterday and will be back on Friday and next Monday to finish up. The next step will be a similar type of task order like the solar array where we get approval from this Commission with total cost and discuss how we want to pay for it. He asked do we want to pay for it all up front or do we want to cut a check to the vendor over time and get a savings on the LED lighting like an Article 9 style, or do we want to pay up front and realize the savings in year one. He said that decision will depend on the total cost of the project and once he has that information he will bring it to this Commission and have a discussion.

Secondary Clarifier Gate and MCC Replacement – Executive Director Rourke stated this is an RFP that had two (2) items lumped into one (1) for 2021. The RFP is currently on the street and a pre-proposal meeting with engineers on the design is scheduled for January 14, 2020. He said we are looking at doing some Computational Fluid Dynamics (CFD) modeling on the secondary clarifiers and replacing mechanicals. The intention is to award to an engineer in February.

Executive Director Rourke said the next three (3) items under miscellaneous will require action. He informed the Commission that one (1) item was missing from the agenda and he apologized for that. He said he would go into that after the Vac/Jet Truck MOA and Adirondack Laboratory SPDES Sampling.

MISCELLANEOUS

Vac/Jet Truck MOA – Executive Director Rourke informed the Commission that the Sewer District purchased a new Vac truck last year for approximately \$399,000.00. He said we still have our old Vac truck and looking to sell it to Franklin County in New York who is interested in purchasing it. The way to make that transaction happen is with a Memorandum of Agreement (MOA) when selling to another municipality. Attorney Naughton is assisting us with the MOA and we are also checking to see if we need BOS approval as this does not happen very often the selling of a big piece of equipment. He said it made sense to at least do a motion today and forward a recommendation to the Chair of the BOS to enter into a MOA with Franklin County to authorize the sale.

Commissioner Hotaling inquired how we advertised the sale. Executive Director Rourke said through the vendor that sold us our new Vac truck, whom was also the vendor of the old Vac truck. The vendor reached out to see if any other municipality was interested. Commissioner Hotaling mentioned the Town of Halfmoon uses auctions international. Executive Director Rourke said the nice part here is when selling to another municipality you don't actually have to advertise. Commissioner Hotaling thanked him for clarification. Executive Director Rourke added we would not be able to do this with a private entity.

Commissioner Loewenstein inquired how the value was assessed. Executive Director Rourke said the same vendor Cincon; they put the value on it as they sell them all over New York State. The value was assessed at \$180,000.00 which is the approximate fair market value of the 2011 vehicle. Executive Director Rourke said it was good to us, obviously we started to have some issues with it and that is why we wanted to move on to a newer piece of equipment. It has low run hours and low mileage and that is why the value seemed to maintain pretty decently. He entertained a motion to forward the recommendation to the Chair of the BOS to enter into a MOA with Franklin County.

Commissioner Hotaling made a motion to forward a recommendation to the Board of Supervisors to authorize a Memorandum of Agreement (MOA) with Franklin County for the sale of the Sewer District's Vac/Jet Truck in the amount of \$180,000.0. Commissioner Loewenstein seconded the motion. Discussion involved the cost of the new Vac truck at \$390,000.00, and with these funds that knocks the cost down to about \$210,000.00 for a new Vac truck that typically costs \$400-450k. Motion passed: 7 Ayes, 2 Absent, 0 Nays.

Commissioner Hotaling thanked everyone who worked on this to make the transition.

Adirondack Laboratory SPDES Sampling – Executive Director Rourke said there are two (2) items here, one requires action and one does not. He said the first item that does not require action is our 2020 contract which requires a change order in the amount of \$3,558.00 for professional services. The original contract amount was approximately \$65,000.00; the change order is less than 10% which does not require any action

but he wanted to let the Commission know that we are expending that money again for some extra sampling that was done for chemical oxygen demand and carbonaceous biological oxygen demand to look at certain ratios in the wastewater.

The second item that requires action is our typical housekeeping contract with Adirondack Lab to perform all our monitoring and analysis that is required for our SPDES permit. We do some of our sampling in house but we also send a lot out through Adirondack environmental to get that done. These costs typically run approximately \$60,000 annually but due to the unique nature of the influent and the industrial users on the system he is requesting a contract for a not to exceed amount of \$70,000.00 in case any additional sampling is required throughout the year. Executive Director Rourke said a motion is needed to recommend approval of a renewal agreement with Adirondack Environmental Services for a not to exceed amount of \$70,000.00 for lab testing and wastewater analysis services through December 31, 2021.

Commissioner Doyle made a motion to forward a recommendation to the Board of Supervisors to authorize a renewal agreement with Adirondack Environmental Services, Inc. at a cost not to exceed \$70,000.00 to conduct lab testing and wastewater analysis services Through December 31, 2021 to ensure compliance with the Sewer District's SPDES Permit. Commissioner Hotaling seconded the motion. Discussion involved if there was need to advertise for these services. Executive Director Rourke said due to case law research that was done by our County Attorney back in 2015 with the testing of dairy and milk, certain labs use that to protect public health and they said they were not subject to the same purchasing requirements and he said that case law seemed to match well with what we are doing here. Motion passed: 7 Ayes, 2 Absent, 0 Nays.

Emergency Repair Contract – Executive Director Rourke said the one item he did not put on the agenda was the Emergency Repair Contract. Every few years we have to go out to bid for our emergency repair contract. Our emergency repair contract with Tom Kubricky Company Inc. expired in April 2020. He said as we all know the Governor issued a State of Emergency in New York State due to the Covid-19 pandemic. With that State of Emergency that relaxed some of the purchasing requirements and bidding requirements to be able to have government and essential services continue to function. What ended up happening in April was we reached out to our vendor to assure that they were okay to maintain their pricing moving into 2021. When invoices came in for the Route 236 repairs in the Town of Halfmoon and other repairs, it ended up totaling approximately \$400,000.00. Executive Director Rourke said he had conversations with the purchasing department and the County Attorney and they felt it wise, even though we were well within our right to extend until April 2021, they felt it wise to approve a contract for a not to exceed amount that covers us from April 2020 to April 2021 just to ensure that we are being transparent. He informed we would need a motion to approve a contract with Tom Kubricky, Inc. for an amount not to exceed \$500,000.00, with \$400,000.00 already being spent for repairs done in 2020 and the remaining \$100,000.00 for now until April of this year. He said he typically budgets \$200,000/year for emergency repairs so the extra hundred is prudent to carry us until April and the term of that contract would be from April 2020 to April 2021 knowing that we will go out to bid in March so that we have a new contract that follows all the New York State procurement laws and bidding laws moving from April 2021 and forward.

Commissioner Hotaling said Tom Kubricky Inc. (TKC) does fabulous work and added the job they did on Route 236 was amazing. There was no trouble with traffic or with adjacent land owners and everything was cleaned up and spotless when finished. Commissioner Bisnett agreed and said it looked better than before the repairs and that they did a very nice job. Executive Director Rourke said they have been good to us for sure. He added the other bigger project they did for us last year was when DOT informed us they were paving Route 9P around the lake and we ended up having TKC come in, dig up and raise our manholes to get them level with Route 9P for a much smoother and nicer drive. Executive Director Rourke echoed the fact that they did a nice job.

Acting Chairman Bisnett entertained a motion for the agreement.

Commissioner Hotaling made a motion to forward a recommendation to the Board of Supervisors to authorize an agreement with Tom Kubricky Company, Inc. for an amount not to exceed \$500,000.00 to authorize payments for emergency repairs performed in 2020 and any potential repairs required until April 2021. Commissioner Doyle seconded the motion. No discussion. Motion passed: 7 Ayes, 2 Absent, 0 Nays.

ATTORNEY REPORT

Attorney Naughton said he had nothing to report other than the Public Officers Law. He said those who are in office and their terms have expired can continue to be rolled over until a there is a replacement or re-appointment.

DEDICATIONS – None

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

**Next meeting February 4, 2021
3:00 P.M. meeting at the Treatment Plant**