

# APPROVED MINUTES

## SARATOGA COUNTY SEWER COMMISSION No. 1 MINUTES OF FEBRUARY 4, 2021 3:00 PM at the Treatment Plant

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

**COMMISSIONERS EXCUSED:** None

**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

Chairman Howe welcomed everyone to the February 4, 2021 Saratoga County Sewer Commission meeting.

**PLEDGE OF ALLEGIANCE:** Led by Commissioner Hotaling

**PUBLIC COMMENT:** None

**CHAIRMAN'S COMMENTS:** Chairman Howe apologized for his absence last month and thanked Commissioner Bisnett for filling in for him. He also wanted to say that he is disturbed that the appointments have not been made for the Commissioners yet and that it is out of our hands at this point. He said we do have a ruling from our council that you gentlemen can stay in your seats until someone is appointed, but it is just unfortunate that we don't have an answer. He said we don't know what is going on, who is staying or who is going and that was very disheartening to him. This is the first time we have ever operated this way and he apologized for those who were sitting there wondering.

**APPROVAL OF MINUTES of January 7, 2021.** *Commissioner Doyle made a motion to approve the minutes of January 7, 2021. Commissioner Hotaling seconded the motion. No discussion. The minutes of January 7, 2021 were approved. 7 Ayes, 2 Abstain, 0 Nays.*

### **2018 CAPITAL PROJECTS**

**Regional Biosolids Handling Facility** – Executive Director Rourke gave a status update. He said we are still working through the revised cost estimate with our engineer based on our increased solids loading. A meeting is scheduled for next Tuesday, February 9, 2021 to discuss the progress of this task and he should have a little more information for the Commission next month.

**Ammonia Related WWTP Upgrades** – Executive Director Rourke said we are awaiting a proposal from our engineer, Barton & Loguidice (B&L) for the additional engineering work. We are scheduled for 30% plans to be completed by the end of April per our consent order with NYSDEC. He said that will likely be an item at the March Commission meeting for an increased fee based on the engineering scope from the initial RFP.

## **2019 CAPITAL PROJECTS**

**Knox Woods (HM) and Riverside #1 (ST) Pump Station Upgrades** – Executive Director Rourke reminded we have had a few discussions on this and due to the inclement weather and awaiting equipment from Flygt as well as the longer lead times expected for the panels and pumps, we are likely going to push back the start date for this work to avoid any extra costs associated with cold weather work that the contractor may or may not have the ability to claim. He said there is no rush and a couple of months will not hurt us. The stations are currently operational so we will be able to push that back until the weather warms up sometime in March. The project should take approximately (70) days so if we start in March, the work will likely still be complete by early summer.

## **2020 CAPITAL PROJECTS**

**Environmental Benefit Project (EBP)** – Executive Director Rourke said as you can see when you're heading in and out of the plant, this project is about 95% complete. The last big step is to pull some good sized conductors through the duct bank. That happens easier in warmer temperatures, typically 40 degrees and above. We are currently discussing some options to either heat locations where we can to assist with that or just wait out the cold weather to pull them when it makes sense. He reminded the Commission that this work was supposed to be fully completed by December 31, 2020, but we got an extension from NYSDEC until May of this year specifically for these reasons and being unsure of the weather. We are still well within where we need to be to get that work completed per our consent order.

Chairman Howe asked Executive Director Rourke if he recalled what the megawatt was on that. Executive Director Rourke said he thought it was half a megawatt, 585 kilowatts. He said what he recalls more is the annual savings which is approximately \$60,000.00 per year. Chairman Howe said perfect.

**Storage Building/HVAC and Roof Replacement Design** – Executive Director Rourke reported the critical path item here is AHU– 5. He received the equipment specifications a few days ago for review and is getting that ready to go out to bid by next week. He said once we get the equipment bid back we will then go out to bid for the installation and hopefully get that done in time for the warmer weather also. In parallel the design work will continue for our storage building as well as our roof replacement and other HVAC equipment that is needed.

**Interceptor Relining Phase VIIB** – Executive Director Rourke informed the item here that needs to be completed next is the Office of State Comptroller (OSC) application for the increased fee per user that is above the required reporting threshold for the state. The application is with our Bond Council for review and we are awaiting comments.

**Riverside (Stillwater) I&I Reduction Design** – Executive Director Rourke reported the contract is executed. A kick off meeting will likely be scheduled sometime this month. One of our tasks here at the Sewer District is starting to pop manholes and get our CCTV truck out to start looking at the condition of the pipes to understand what the scope of that work will be.

**Saratoga Springs Pump Station and F.M. Evaluation and Design** – Executive Director Rourke reported a kick off meeting was held on Tuesday, February 2, 2021 and it went well. This month they are looking to begin some preliminary work including site visits to the pump station. He said we will go out and clean some structures of the force main with our Vac/Truck so the consultant can get in there with their tools to measure thicknesses of that (PCCP) pipe so we know the level of deterioration and degradation of that force main. All of that work is likely going to start in March.

## 2021 CAPITAL PROJECTS

**LED Lighting Upgrade** – Executive Director Rourke said for this action he is looking for a motion to forward a recommendation to the County Board of Supervisors to authorize a task order with National Grid for implementation/installation of the Sewer District’s LED Lighting replacement. This would fall under our existing master agreement that we have with National Grid for our solar array project. He informed the Commission that we have the ability to continue to use that master agreement. Centrica Business Solutions did an initial assessment of our site, looked at fixtures, wattages, interior/exterior lighting and our Saratoga Springs and Milton pump stations and came up with a task order. That task order cost to replace all of the existing lights within the WWTP and Milton pump station with energy efficient LED lighting is \$326,845.94. This fee does not include potential incentives that NYSEG may offer us. Currently we are looking at approximately \$30,000.00 incentive but that is not finalized yet because NYSEG put out new guidance according to Centrica that actually lessened the available incentive, unfortunately. With that being said, our annual savings going to LED lighting is anticipated to be approximately \$37,000.00. Executive Director Rourke said a simple pay back on just energy savings is about an 8 year payback, which is pretty good considering those LED lights are expected to last longer than that. He said if you include O&M costs, replacing bulbs or time associated with replacing bulbs, that simple pay back goes down to 6 years. Executive Director Rourke said he thinks it is a good energy incentive, it’s a good project and we will be looking at net positive cash flows after 8 years. The motion today would be to forward a recommendation to Law & Finance for the BOS to authorize a task order with Niagara Mohawk Power Corporation d/b/a National Grid for an amount not to exceed \$326,845.94. Chairman Howe asked if someone would move that motion per Executive Director Rourke’s recommendation.

*Commissioner Doyle made a motion to forward a recommendation to the Board of Supervisors to authorize a task order with Niagara Mohawk Power Corporation d/b/a National Grid for implementation/installation of the Saratoga County Sewer District No. 1’s LED lighting replacement for an amount not to exceed \$326,845.94. Commissioner Cannon seconded the motion. Discussion involved utility incentives and warranties with the manufacturer. Motion passed: 9 Ayes, 0 Nays.*

**Secondary Clarifier Gate and MCC Replacement** – Executive Director Rourke informed we have a conventional activated sludge process here at the WWTP and there are a few different things that go into that outside of the actual activated sludge process. We have primary clarifiers that settle sludge and other things out and raise grease to the top on the front end of the plant. After our activated sludge process we need to settle that sludge out again before it is sent to the Hudson River and that is what the secondary clarifier does and that is what we are looking to do work on. The MCC is the motor control center which is a big breaker for large voltage equipment. Executive Director Rourke said these UV channels out here are on a pretty aggressive schedule for cleaning especially once the warmer weather comes. The reason for that is we have solids deposited in those channels over time which will then denitrify in the channels and float to the top which will cause us to sometimes blow our limits or at least it used to until we implemented a two week cleaning schedule. Two (2) of the gates are original from 1977 and we are looking to replace them. Executive Director Rourke said in the agenda packet there was a cost breakdown of the proposals received with a relatively wide spread of costs ranging from \$254,925.00 to \$738,191.00. He said his recommendation today along with staff who read the proposals thought Wright Pierce Engineering rose to the top. They had some really good ideas on what to do to evaluate the clarifiers. Their total price was \$454,180.00 and some of the added value included was they are bringing in a gentleman by the name of John Esler under their base cost who is the foremost expert on clarifiers. Executive Director Rourke asked for a motion to forward a recommendation to the Board of Supervisors (BOS) to authorize an agreement with Wright-Pierce Engineering Consultants, P.C. for work related to evaluation and design of upgrades to our secondary clarifiers, gates, motor control centers (MCC’s) and 4160V transformers at the WWTP. The work will consist of CFD modeling and dye testing 3 secondary clarifiers, designing necessary upgrades and replacement to 3 existing secondary clarifiers, evaluating and designing upgrades to electrical systems at the

WWTP including MCC's and transformers and evaluating and designing replacements to existing process gates in the facility.

*Commissioner Hotaling made a motion to forward a recommendation to the Board of Supervisors to authorize an agreement with Wright-Pierce Engineering Consultants, P.C. for an amount not to exceed \$454,180.00 for work related to evaluation and design of upgrades to our secondary clarifiers, gates, motor control centers (MCC's) and 4160V transformers at the Sewer District's WWTP. Commissioner Bisnett seconded the motion. Discussion involved our ammonia upgrades, issues we are having with our secondary clarifier, the proposals as well as the added value provided. Motion passed: 9 Ayes, 0 Nays.*

## **MISCELLANEOUS**

**Re-appropriation of Capital Funds** – Executive Director Rourke said this is our typical housekeeping item for re-appropriation of capital funds. It is usually approximately \$6M but this year it is a little larger at approximately \$8M. A breakdown of the projects associated was included in the agenda packet. Some of the projects are totally underway and some of the project's designs are underway. We have a capital fund budgeted for them already and it makes more sense to roll those costs over rather than dump them back into the general fund and then re-appropriate. He asked the Commission for a motion to forward a recommendation to the BOS to re-appropriate and transfer funds as needed from 2020's budget to 2021's budget in the amount of \$8,163,891.80.

*Commissioner Cannon 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 \$8,163,891.80 from the 2020 to 2021 Capital Project Funds. Commissioner Doyle seconded the motion. Discussion involved moving funds and expenses forward with no negative impact and the amount being larger this year due to delays and Covid-19 in 2020. Motion passed: 9 Ayes, 0 Nays.*

**Heritage Spring Dedication** – Executive Director Rourke informed the Commission he received a letter from the Town of Milton, specifically from Town Councilman John Frolich, requesting a letter from the Sewer District saying we would take dedication of the Heritage Springs Sewer System. Executive Director Rourke said he did not want to work unilaterally; he wanted to bring it to the Commission for discussion. He said there have been ongoing discussions about this for quite some time. Most of the upgrades have been instituted through our Quality Assurance (QA) program in 2003. The system is in pretty good shape but there are a few things that need to be upgraded, for example, a couple manholes need to be upgraded, the air relief valves need to be replaced and some of the buildings need to be upgraded to meet building code. Executive Director Rourke said he wanted to have a discussion and asked if it would be prudent to send the town a letter stating we are willing to take it over if upgrades are done and if the Town condemns it, then we would take dedication of the infrastructure at no cost to the County.

Chairman Howe said if he recalls the system services well over 1,000 customers. Executive Director Rourke said that sounds right. Commissioner Doyle said we had an example with Clifton Park where they wanted us to take over some pump stations, and after doing a review and looking at what McDonald Engineering provided, we decided not to do that unless they did upgrades to bring the system up to code. Commissioner Fillion and Commissioner Cannon inquired what condition the system was in and if this was normal practice. Chairman Howe said the town actually hired a private consultant a few years back to come in and do an evaluation of the system. He said there have been concerns from the community about the system being regulated by a private company. The original agreement when the system went in was once they recouped their money they would turn it over to the County and it is actually in the County minutes back from the 1980's. People feel that money has been recouped and the owner does not feel that way. Chairman Howe said the Town needs to work out how to get control of that, to condemn it and to give it to the Sewer District.

He added field analysis was performed and updated in 2020 with a complete binder of the system. It is a completely forced system besides the gravity within separate developments. Some of it is old, not all of it and one good thing is it is all plastic, no ductile or iron that he knows of. Executive Director Rourke said there is one small portion that we CCTV'd and it is in good shape.

Commissioner Hotaling mentioned Colonial Green in the Town of Halfmoon which is also a private owned sewer district. The people who owned it put money in their pocket and never put money back into the system. They are now threatening to abandon it so the town would be stuck with it. He said he can see the town's side of this and how it can be a hardship on them. Chairman Howe said right now they are paying a user fee, where that user fee would go away and they would simply have only a county bill, correct? Executive Director Rourke said he believes Heritage Springs fees are upwards of \$170/per house to maintain the system where our fee is \$50/per house to maintain the system that is mainly because the economies of scale and we have more connections. Currently they pay \$170.00 to Heritage Springs plus a treatment charge to us. The Sewer District user rates do not include public transportation authority rates or town rates, basically if our weighted average is \$254/per user those fees are not included, so the reality is they are probably paying \$400 to \$500 a unit for sewer because of these separate, either private or public transportation authority or towns fees that own the infrastructure. Executive Director Rourke gave an example with the Town of Malta where we recently took over 3 years ago, it a few hundred feet of pipe but they wanted to get rid of their sewer district so they did the upgrades and then we took dedication.

Commissioner Loewenstein said so Heritage Springs is a private system, the homeowner gets billed by us and the private company, correct? Executive Director Rourke said correct. Commissioner Loewenstein asked if they currently have any performance issues with the system. Executive Director Rourke said no, nothing catastrophic, just normal wear and tear. Chairman Howe said they have not had any issues with the lines, the pumps have been maintained and the main pumps have been replaced. Executive Director Rourke added they have kept meticulous records and they have staff that regularly check the stations and apply odor control chemicals and it's in decent shape. Chairman Howe said he can say from an inspector in the community looking in, they have maintained the system and there were never any complaints or issues coming in from the developments. He said if we get some kind of analysis that meets code and it doesn't cost us a penny then it is up to the Commission to decide.

Commissioner Loewenstein said there was mention of some analysis that was done to figure out what upgrades were necessary, he asked if there was a dollar figure associated with that or a ballpark. Executive Director Rourke said he didn't have a figure and just received the list from our building inspector a couple of days ago. He said ballpark maybe \$100,000.00 or less. Commissioner Loewenstein said if we were to take over the system would it be our responsibility or would we take it over conditioned upon those upgrades being done first? Executive Director Rourke said exactly, we can say we are not going to take it until upgrades are done.

Further discussion involved transportation corporation law, private fees verses county user and collector fees, necessary upgrades, avoiding disrepair, being proactive, public health and negotiations. Chairman Howe asked if the Commission felt comfortable enough with Executive Director Rourke responding back to the Town with a letter of interest but with a caveat. The Commission was comfortable with that made a motion,

*Commissioner Cannon made a motion to authorize the Executive Director to send a letter to the Town of Milton expressing interest in acquiring Heritage Springs contingent upon conditions to be determined by the Saratoga County Sewer District Executive Director. Commissioner Loewenstein seconded the motion. Discussion involved conditions and caveats to have the Town upgrade the system to our standards and have Chairman Howe and Attorney Naughton review the letter to the Town. Motion passed: 9 Ayes, 0 Nays.*

Chairman Howe said being that this has been going on for at least ten years, he didn't foresee any actions happening in the near future but you never know. He added at least we are prepared and any decisions would have to go through this Commission.

## **ATTORNEY REPORT**

Attorney Naughton said we have one dedication in the Town of Wilton and it is a virtual dedication for the fact that we do not have any original documents from the dedicator. All we have are PDF signed documents that are anticipated to be received. He spoke with Executive Director Rourke about it and there is a certain level of comfort in knowing that it is Aldi and that they will get us the documents. He said it's a function of the fact that they are a large corporation and it takes time.

## **DEDICATIONS**

**Aldi at Wilton Market Place** – Town of Wilton – Aldi, Inc. (New York) requested dedication of the sanitary sewer infrastructure servicing Aldi at Wilton Market Place in the Town of Wilton. *A motion to accept Resolution 1-2021 dedication of Aldi at Wilton Market Place was made by Commissioner Fillion and seconded by Commissioner Hotaling. No discussion. Resolution 1-2021 accepting dedication of Aldi at Wilton Market Place consisting of (2) manholes and approximately 367 ft of 8" SDR-26 gravity main in the Town of Wilton conditioned upon receipt of original dedication documents to include deed of dedication, Form TP-584 (Real Estate Transfer Tax), Form RP-5217 (Real Property Transfer Report), Assignment of Warranties, Letter of Credit, and First Amendment to the Letter of Credit passed: 9 Ayes, 0 Nays.*

Commissioner Cannon said he had a couple of things he wanted to inquire about. First, he asked about the Commissioners of the Biosolids Committee, if the (2) members from that Committee were not to be re-appointed what happens, do those positions go to whoever comes in? Chairman Howe said they would have to re-appoint. Commissioner Cannon said next, speaking in terms of their not having re-appointed the Commissioners, who, how and what is the process. Chairman Howe responded it generally happens every year at the organizational meeting. Executive Director Rourke added a certain number of Commissioners are up for re-appointment every year at the organizational meeting for a three year term. Commissioner Cannon asked who the people are saying it, the Supervisors, the County Administrator. Executive Director Rourke said the County Board of Supervisors brings it to a vote and they put a name on a resolution. Commissioner Cannon said who puts the name on it? Executive Director Rourke said it could be anybody that brings that recommendation frankly, it could be the Chairman of the Board or it could be a Town Supervisor. Commissioner Cannon asked if there was any say here at all. Chairman Howe said we do give our input with all re-appointments, we forward it to the County Administrator that the Commissioners would like to serve again and be re-appointed and we did that. Generally what happens is at the organizational meeting they are appointed, but this year that didn't happen.

Commissioner Cannon said is there any concern of institutional knowledge, you have Commissioner Doyle the longest tenured member of this board and all the expertise is brought here. He said he was concerned about it being continued. He said I am not saying I am one of them, but I am just saying. Executive Director Rourke said he would love the Commission to stay the same too but it's not his call. Chairman Howe said this is the first time we have seen this happen. Commissioner Thompson asked do we know who is causing the holdup. Chairman Howe said we don't know.

Commissioner Cannon said he had one more question. On the solar panels it was talked about in terms of a \$50,000/per year savings, what was the cost of putting it together? Executive Director Rourke said he thought it was approximately \$1.3M. Commissioner Cannon said it would be 20 years without any maintenance for it to break even, right? Executive Director Rourke replied yes, round numbers that \$60,000.00 was conservative. He said he has the payback number and pay back years and wanted to say it was closer to 18 with everything included, but the thought process was that the panels would last longer than that and added don't forget we did this to avoid paying a fine to NYSDEC. Chairman Howe said at least we got something out of it verses just paying a fine. Commissioner Hotaling asked if all the power on the solar panels is staying here or going on the grid. Executive Director Rourke said staying here. Commissioner Cannon said because we don't have any surplus like with biosolids. Executive Director Rourke said correct, and frankly we are barely making a dent; we spend about \$800,000.00 - \$850,000.00 a year in electricity so this \$50,000.00 - \$60,000.00 is less than 7 or 8% of our electrical load.

Chairman Howe said during the month if we find out any information on the Commissioners he will send an email to keep everyone informed of what is going on. He said he and Executive Director Rourke will reach out and try to get some answers. Chairman Howe said he appreciates that everyone continues to serve, it just gives him a queasy feeling having Commissioners that haven't been appointed but we will figure it out. Commissioner Cannon said some Commissioners will keep on serving or is it all of us. Executive Director Rourke said this year it is just three; other people have terms that they will need to finish. Commissioner Cannon asked if he could share who the three are. Executive Director Rourke said its Dan, Rick and Frank.

Attorney Naughton said he was in the Governor's Appointments Office under Governor Pataki and his responsibility was to review appointees. It was standard that advisory councils or commissions had hold over candidates. In fact, some held over beyond another appointment term. So it is not unusual. He offered that just for the Commissioners to consider and not to think or look into that too much.

Chairman Howe said what troubles him is we have three volunteers that want to volunteer and they do a diligent job here, there is a just a hold up and that bothers him. With that he offered a motion to adjourn.

*A motion to adjourn the meeting was made by Commissioner Loewenstein and seconded by Commissioner Fillion. No discussion. The motion passed unanimously.*

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