

APPROVED MINUTES

SARATOGA COUNTY SEWER COMMISSION No. 1 MINUTES OF APRIL 8, 2021 3:00 PM at the Treatment Plant

COMMISSIONERS PRESENT: Howe, Bisnett, Cannon, Doyle, Hotaling, Lansing

COMMISSIONERS EXCUSED: Fillion, Keegan, Thompson

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

Chairman Howe welcomed everyone to the April 8, 2021 Saratoga County Sewer Commission meeting.

PLEDGE OF ALLEGIANCE: Led by Commissioner Bisnett

PUBLIC COMMENT: None

CHAIRMAN'S COMMENTS: Chairman Howe said there has been a change with Commissioners. He said Rick Loewenstein who represented the Town of Malta was no longer with us and Scott Lansing attending via teleconference call is the new Commissioner for Malta. Chairman Howe said he knows Scott very well; he brings a lot of experience, is also a P.E., he runs a local firm and is very well versed in sewer. The Commission welcomed him. Commissioner Lansing thanked everyone and said he was glad to be part of the board.

Chairman Howe also introduced and welcomed Steve Bulger, the new County Administrator. He said the Commission truly appreciated his presence and thanked him for coming. Chairman Howe also welcomed Michael Hartnett and mentioned that he is the new County Attorney and he congratulated him on that. Attorney Hartnett thanked Chairman Howe. Chairman Howe said both will make a good team and the Sewer Commission will help with whatever they need.

APPROVAL OF MINUTES of March 4, 2021. *Commissioner Doyle made a motion to approve the minutes of March 4, 2021. Commissioner Hotaling seconded the motion. No discussion. The minutes of March 4, 2021 were approved. 5 Ayes, 1 Abstain, 3 Absent, 0 Nays.*

Chairman Howe complimented Confidential Secretary Gorman on the minutes and said very well done. Confidential Secretary Gorman replied thank you.

2018 CAPITAL PROJECTS

Regional Biosolids Handling Facility – Executive Director Rourke reported a Joint Regional Biosolids Board (JRBB) meeting was held on March 31, 2021 regarding the increased cost of the project and the future

of the project. He said included in the agenda packet was a spreadsheet that explained the increased costs for the project. The project started at \$48.5M initially back in 2018 when the study was done and all parties decided on a dryer which bumped the project to \$56M, then doing some further evaluations we found that the project cost needed to increase to \$69M because we needed to do some aeration upgrades at the north plant including a forcemain. Executive Director Rourke said the project costs have increased significantly and due to those cost increases Albany County is choosing to withdraw from the agreement. He said it is not official yet but it should be official later this month and the decision is really due to those increased capital costs. He informed that when Albany County sends us a withdrawal letter there is a 120 day clock that starts for the IMA to dissolve. Executive Director Rourke said that is just one part of the contract with this biosolids facility.

The second part of that contract is with our vendor, Arcadis of New York. Executive Director Rourke said we spend a lot of money on hauling biosolids; he has brought that up in discussions fairly often that the Sewer District spends approximately \$800,000.00 every 4 months on hauling sludge. He said his hope is that we can amend the existing agreement with Arcadis, remove Albany County as a 3rd party to that agreement and message the scope and tasks to continue looking at our facility and develop our plan moving forward. Executive Director Rourke informed he has talked with the County Attorney and it is possible because it would be a downsizing of the existing project. Executive Director Rourke said the purpose of wanting to amend that agreement now as opposed to going out to RFP again as with RFP interviews and the selection process that is easily 90 to 120 days, by the time we meet the BOS schedule and get contracts executed that's 120 days and \$800,000.00 that we are spending on our biosolids hauling. Executive Director Rourke said he wanted to bring this before the Commission today, not for action but for discussion and if it is appetizing to the Commission then in May we can hopefully come forward with a revised proposal and an amended contract to perform that amendment and save ourselves some time and money.

Chairman Howe said he's very disappointed that Albany County has decided to withdraw. He knows everyone has their own reasons and they have to look out for their own County. However, it has left us in a position where we still have the biosolids to deal with. It also leaves us in a position where we have spent quite a bit of money in the last year. A lot of research has been done and it is just very unfortunate. Chairman Howe said we have to pull up our boot straps and figure out what we need to do. He said he is going to appoint a biosolids committee to work with Executive Director Rourke. Chairman Howe said he was disappointed because Commissioner Cannon and himself put in a lot of time, Executive Director Rourke mostly of course with going through contracts, the County Attorney's and the BOS's and to be on the track to accomplishing something jointly was a good thing, but unfortunately now we just have to just focus and move forward.

Commissioner Hotaling asked how much SCSD has spent so far on the project. Executive Director Rourke said approximately \$500,000.00 which is a \$1M split between SCSD and ACWPD. He informed there is an outstanding bill that we have yet to receive and this is approximately another \$100,000.00. Commissioner Hotaling said originally it was going to cost \$40M to build the facility, correct? Executive Director Rourke said the original study done by GHD in 2015 estimated the costs to be between \$40M and \$45M which included digesters, a dryer and combined heat and power (CHP). Commissioner Hotaling asked about the size of the plant and if revenue factors from Glens Falls and other towns could help fund it. Executive Director Rourke said that's a great question. He said the first few months with Arcadis will be spent discussing options like that and the economies of scale but there are other ancillary things that need to be considered as well like location, what we are accepting (such as sludge or cake), surrounding neighbors, etc. Commissioner Hotaling suggested Clemente's pit, the land for sale behind the Sewer District's WWTP. He said it would be a perfect spot to put something there. He said we wouldn't have to pump far and we would get the biggest bang for our buck. Commissioner Bisnett said he thinks that land is approximately 180 acres and agreed it would help with truck hauling. Executive Director Rourke said with this project we will likely

need to purchase property and somewhere close. He said he wants to vet all these options with our engineer sooner rather than later and his hope is that they are willing to start working on that this month without a potential of a fully amended contract.

Chairman Howe gave a background and summary for County Administrator Bulger and County Attorney Hartnett. He said this is a result of our incinerator not meeting compliance with emissions. We had to shut down the incinerator which led us to hauling sludge away. This joint project was hopefully going to solve a lot of our problems and Albany County's too, but it's all based on our original incinerator, which was used for burning sludge solids and it no longer meets EPA (Environmental Protection Agency) regulations. Chairman Howe said that's the base of all this and why we are in the predicament we are in right now. He said we have an incinerator we can't use, we are producing solids everyday and we need to get rid of it.

County Administrator Bulger said he was here a couple of weeks ago, Executive Director Rourke gave him a great tour and it was very informative. He asked the Commission how long they had been negotiating with Albany County on this. Executive Director Rourke said the first resolution to have the study performed was passed in 2017 and the joint board was created in 2019 but the study was performed to see if it made sense and that cost was split 50/50. Once they knew it made sense an IMA was established.

Commissioner Doyle said this is really a large setback. What that really means is Arcadis is going to have to rethink this whole thing. As pointed out with location, there's not much room around here that they can do much with. It would certainly be advantageous to not have a lot of truck traffic coming down Routes 4 & 32 as that exit west is very difficult to get onto with a big truck. Executive Director Rourke said we could do that here but he does not want to say we are absolutely doing digestion here; there are other options and he just wants to make sure we vet those options that are a little less capital cost. Commissioner Doyle said size is a factor too when you think about where we were and the size of the plant and how much was going to be able to be digested. He said as that number goes down he thinks the options increase. Executive Director Rourke said yes, there are not a lot of good solutions to biosolids, digestion is one, drying straight out is another, volume reduction is a great risk mitigation tactic too.

Commissioner Cannon asked if it would be correct to assume that the alternatives we have been speaking about and how to handle biosolids will be covered in revisiting and changing the scope of the contract with Arcadis. Executive Director Rourke said yes, the nice part about utilizing Arcadis is they already have an energy flow model and the ability to take Albany County off the flow model and continue with just us is a really good opportunity. He said we would be looking at digesters, a dryer, and potentially other options as well. He said lets invest what we can upfront and reduce the annualized cost, that is why the Albany project was so good, we were going to get all of this and still save \$500,000.00 a year and that is why it still stings a little that it is not going to happen. Commissioner Bisnett inquired about the \$5M grant funding and if there was any additional funding. Executive Director Rourke said the \$5M is gone and Arcadis is looking into additional funding. He said people have heard there is federal infrastructural money coming potentially in the next 6 months to (1) year. We are poised for that with the need for our community, energy, a green project, using methane gas to create electricity and we are an integral part of Global Foundries who is obviously in the news. For us we need to get rid of sludge to be successful which means ipso facto Global Foundries (GF) gets to be successful as well.

Chairman Howe asked Executive Director Rourke to reach out to Rob Ostapczuk with Arcadis and give the Commission a more details next month on where we stand with our options. Executive Director Rourke said next month he would be coming before this Commission to get an approval to amend the contract with Arcadis and then move to the Board of Supervisors (BOS) with defined scope, tasks, and costs.

Ammonia Related WWTP Upgrades – Executive Director Rourke said last month we moved a contract amendment forward to be able to meet our schedule of compliance deadlines with our consent order. Weekly meetings continue with our consultant, Barton & Loguidice, they have been going really well and we are on schedule to have our basis of design report and 30% plans completed by our April 30, 2021 deadline.

Chairman Howe inquired about the outstanding chemical costs related to ammonia and if we have come to a resolution with GF on that. Executive Director Rourke informed there is a partial resolution. To refresh everyone on that he said we spent approximately \$1.1M in magnesium hydroxide chemical costs last year. This chemical is used to supplement the alkalinity and the alkalinity is used by the microorganisms to nitrify. Executive Director Rourke said he reached out to GF and they negotiated a fee of \$150,000.00 per quarter for the first (2) quarters to pay us for a portion of that \$1.1M and they are going to renegotiate for the remaining cost that he thought they owed us. He said GF agreed to pay \$300,000.00 total for quarter (1) and quarter (2) with a negotiation needing to happen by April 30, 2021. Executive Director Rourke said if negotiations do not happen by April 30th then we have the authority within our industrial pretreatment program to charge them what they have cost us. In round numbers it is about 65% to 75% of our ammonia load which would be 65% to 75% of our chemical costs which equates to \$800,000.00. Executive Director Rourke said he thought that was fair and GF agreed to that in December. Executive Director Rourke said if GF is not willing to negotiate that amount then he is going to charge them an extra \$500,000.00 as of May 1, 2021. A meeting for negotiations is scheduled to happen before April 30, 2021.

Further discussion involved industrial sampling, ammonia upgrade costs (\$37M), user costs, operation costs, capital costs, the need to move forward under the Sewer District's consent order with NYSDEC, how to recoup funds from GF, possible expansions, projected flows and verbal agreement from GF to pretreat a new FAB. Executive Director Rourke said in renegotiations for a new FAB he hopes to bring a written agreement to have GF either chip in to handle additional flows or pretreat those flows and some of the hope is also that state or federal funding will chip in as well. That would be ideal and a win for both of us, SCSD and GF.

County Administrator Bulger said he wanted to add that this is a top priority infrastructure project for the County, what you guys are dealing with here at the plant and now the Albany Biosolids situation on top of that is imperative. He informed the Commission he has already been in touch with Senator Schumer's office on this and they are very involved. If there is going to be another chip plant up there, they are pushing it. He said we have made it clear that there has got to be federal money because they are talking about this huge \$2 trillion infrastructure bill, there has to be federal support to make that happen and build that plant. County Administrator Bulger said those conversations are happening and speaking for the Board, we hear you and we are going to do all we can to support and mitigate this because it is unacceptable that it is all being dumped on the Sewer District. Chairman Howe thanked County Administrator Bulger and said we appreciate that very much.

Chairman Howe asked if there was anything else. Commissioner Lansing (via teleconference call) inquired about the ammonia limit and mentioned there were new limits and without GF would we still meet those limits. Executive Director Rourke said when we were running our activated sludge model it was found that without the additional load we would likely be able to treat typical wastewater and ammonia loads from residences up to 43 MGD at the permit limit that was specified so to answer the question, yes we would have been able to handle normal residential load, but that is not the position we are in right now. Chairman Howe thanked Commissioner Lansing.

2019 CAPITAL PROJECTS

Knox Woods (HM) and Riverside #1 (ST) Pump Station Upgrades – Executive Director Rourke informed there were some missteps in the approval of some submittals for this project that has caused a little frustration, the engineer approved a couple of submittals for the wrong voltage pumps that has set us back a bit. Due to this the contractor will need to bypass pump longer and SCSD may incur extra costs. Hopefully a majority of these costs can be covered by the cash allowance on the project. With that being said, both stations should be up and running hopefully in the next 3-4 weeks. He said the project is on the tail end with some minor missteps.

2020 CAPITAL PROJECTS

Environmental Benefit Project (EBP) – Executive Director Rourke reported that the solar field interconnection was happening today with permission to operate from NYSEG hopefully within 2-3 weeks to start generating power which will meet our May 31st deadline within scheduled compliance. Chairman Howe complimented Executive Director Rourke and said he did a nice job handling all of that.

Storage Building/HVAC and Roof Replacement Design – Executive Director Rourke said we need a Motion to Award an AHU-5 unit that deals with the heat exchanges and air conditioning for the Admin building here at the plant. The equipment has already been purchased and this is for the installation contract. We received (2) bids \$57,353.00 and \$70,000.00. Eckert Mechanical LLC was the low bidder at \$57,353.00 and he recommended a motion to award to Eckert Mechanical. Chairman Howe entertained a motion for the award.

Commissioner Bisnett made a motion to forward a recommendation to the Board of Supervisors to authorize an agreement with Eckert Mechanical, LLC in the amount of \$57,353.00 for the installation of an air handling unit (AHU-5) on the administration building at the Sewer District's Wastewater Treatment Plant. Commissioner Doyle seconded the motion. Discussion involved the vendor and if we have used them before. Executive Director Rourke said no but they are supplying the units and installing them so in terms of scheduling this make things simpler as well as the needs for the repair. Motion passed: 6 Ayes, 3 Absent, 0 Nays.

Interceptor Relining Phase VIIB – Executive Director Rourke informed the Commission that a Motion was needed to approve the Office of the State Comptroller (OSC) Application. According to bond counsel, the BOS needs to approve the content of the application and submission of the application, which can all be done in a single resolution. He said he hopes to have approval from the OSC in 60 to 90 days and once it is approved he will then be able bring it in front of this Commission and the BOS to secure the bonding for the project.

Executive Director Rourke reminded the Commission that the application is for the yearly threshold that can be charged without approval from the OSC for a capital project to each user. He said in 2020 it was \$8 per user but not sure what it is this year. This project is at \$22 so it is well above what we would need to not submit an application. Executive Director Rourke said again this is for the Interceptor Relining Project where we were phasing it. That phasing process was going to take 30 years, we were absolutely going to have a catastrophic failure of that pipe within the next 30 years so we said let's get it all done in one foul swoop and spend that \$1M dollars a year, instead of the phased approach, on debt service and just get it all done at once.

Commissioner Hotaling made a motion to forward a recommendation to the Board of Supervisors to approve the application for permission of the New York State Comptroller for the proposed rehabilitation and improvement of the Saratoga County Sewer District Interceptor and Related Facilities. Commissioner Doyle seconded the motion. No discussion. Motion passed: 6 Ayes, 3 Absent, 0 Nays.

Riverside (Stillwater) I&I Reduction Design – Executive Director Rourke said this is the collection system that dumps to the pump station that we are upgrading currently. This is also probably one of the older, if not one the oldest pipes we own in the County. He said this system he believes is from the 1950's or 1960's. SCSD staff has been doing a lot of work cctv'ing the lines on our own. The engineer has finished their manhole evaluation and will be looking at the CCTV footage and begin drafting plans for the work to be done.

Saratoga Springs Pump Station and F.M. Evaluation and Design – Executive Director Rourke reported forcemain testing is scheduled to be completed April 14, 2021 where they will get into some of the vaults we have and do some testing of the thickness of the existing precast pipe. This should give us an idea on the pipe condition and allow a plan to be formulated. If we need more test locations we will need to pot hole in the city at points of interest and do another round of pipe testing. Executive Director Rourke said this forcemain covers all of the City of Saratoga Springs as well as all of the Town of Wilton. No motion needed today, just an update and we are still moving forward with that design.

Chairman Howe said to County Administrator Bulger one thing with this business is things wear out continuously, pumps, pipes, stations and these individual pump stations we try to do a couple every year. Executive Director Rourke said this one in particular we have been planning to do since 2014. Chairman Howe said Executive Director Rourke does a great job trying to think ahead and solve problems before they actually happen but as you can see it is a continuous flow of money.

2021 CAPITAL PROJECTS

LED Lighting Upgrade – Executive Director Rourke said a kick off meeting was held last Thursday, April 1, 2021. Materials are currently being delivered. The contractor is hoping to start work sometime in the middle of May and finish that work 4 to 5 weeks later. He said hopefully everything is up and running and we have our new lights in her by July. The project has been consistent and really streamlined and just a reminder that will save us \$37,000.000 a year in electricity.

Secondary Clarifier Gate and MCC Replacement – Executive Director Rourke informed there was an official kick off meeting yesterday, April 7, 2021 with the engineer. He said we are hoping to get clarifier testing done the week of April 26, 2021. That will be a pretty big coordination effort with Chief Operator Hutchings, his team and the engineers that day from 6:00AM to 8:00PM stressing those clarifiers with different flows and loads to see how they operate.

CMMS & Asset Management Implementation – Executive Director Rourke said the CMMS (Computerized Maintenance Management Software) and Asset Management was talked about a couple of months ago that we were looking to hire a firm to assist us in these software applications and endeavors. He said we would need a motion to award to who we thought gave the best proposal. Executive Director Rourke said we had a joint proposal between Barton & Loguidice and Advanced Enterprise Systems Corporation dba Utility Cloud. He said Barton & Loguidice would assist us in building the asset management program, looking at our work flows, helping us to find what we have verses what we don't have in terms of asset information. B&L has done this for a lot of large clients and they have a lot of good experience. Executive Director Rourke said we would need a motion to award (2) separate contracts; (1) with B&L to do the

implementation at a cost of \$62,934.00 and (1) for an annual licensing fee with a first year cost of \$40,000.00 for Utility Cloud with an ongoing fee after that to be negotiated. Chairman Howe entertained a motion for discussion.

Commissioner Bisnett made a motion to forward a recommendation to the Board of Supervisors to authorize agreements with Barton & Loguidice, D.P.C. and Advanced Enterprise Systems Corporation d/b/a Utility Cloud for the development, implementation and software licensing for an asset management program for the Sewer District with a total project cost not to exceed \$62,934.00 with an annual licensing fee not to exceed \$40,000.00 for a term of (1) year. Commissioner Doyle seconded the motion. Discussion involved the licensing fees past the (1) year term with a 2.5% escalator for years 2 and 3 as well as user based fees for desktops and tablets for SCSD staff that work in the field and where the asset information will be stored and having a secure data base. Motion passed: 6 Ayes, 3 Absent, 0 Nays.

Technical Determination of Local Limits – Executive Director Rourke said this is something that has come up as part of our EPA administrative order. He said he was bringing it before the Commission because he would like to issue a Request for Proposal (RFP) and have an engineer perform this work. What this work entails, as part of our industrial pretreatment program, is we have to do calculations to determine what this plant can handle for loading for a multitude of chemicals including ammonia. Executive Director Rourke said he is hoping to get this RFP out, if the board so chooses, sooner rather than later so we can not only perform it for ammonia but for everything else including biological oxygen demand (BOD), total suspended solids (TSS), and different metals. Executive Director Rourke said this is recommended to be done every 3 to 5 years at the EPA level and the last time it was attempted here was in 2014, but it never actually got fully completed, so the hope is to get an RFP out on the street and finalized by later this year. These local limits go in our Sewer Use Ordinance and are part of our local law so we would eventually have to amend the local law to include these new limits later this year. Executive Director Rourke said he is expecting the cost for this study to be approximately \$50,000.00 – \$75,000.00. It is an unexpected expense and something that we might need to dip into the fund balance for depending upon how the budget shakes out for the next couple of months but he was looking for the Commission support to allow him to issue this RFP.

Commissioner Hotaling made a motion to authorize the Executive Director to issue an RFP to have a study performed to develop an ammonia local limit for the Sewer District. Commissioner Hotaling seconded the motion. Discussion involved maximum allowable loading (MAL) and maximum allowable industrial loading (MAIL) for meeting our local limits and updating them with the EPA because industries chemicals may change every 3 to 5 years and it has been 7 years and time for an update to know what is coming into our facility and know if we can treat it and meet our State Pollutant Discharge Elimination System (SPDES) discharge permit with NYSDEC. Motion passed: 6 Ayes, 3 Absent, 0 Nays.

MISCELLANEOUS

Infrastructure Capacity Resolution – Executive Director Rourke said this is going to be put on hold until Attorney Naughton is back from vacation. He said they have had discussions and will continue discussions and bring something forward hopefully at the next meeting.

UV System Preventative Maintenance Contract – Executive Director Rourke said this is a house keeping resolution that comes up every couple of years. We went out to bid to do preventative maintenance on our UV disinfection system which is the very end of the plant that disinfects the wastewater going out to the Hudson River. We had (1) bid from Xylem Water Solutions USA Inc. in the amount of \$19,758.00 so we need a motion to award that contract to continue that work.

Commissioner Doyle made a motion to recommend the Saratoga County Board of Supervisors authorize an agreement with Xylem Water Solutions USA, Inc. for annual preventive maintenance services for the Sewer District's WEDECO UV disinfection system maintenance at a cost not to exceed \$19,758.00 Commissioner Cannon seconded the motion. No discussion. The motion passed. 6 Ayes, 3 Absent, 0 Nays.

Easement for Donini Lateral over County Lands – Executive Director Rourke said this is an easement for a property at 68 English Road in the Town of Clifton Park. It is going to transverse a portion of the Zim Smith Trail for a residential sewer lateral for a home. The lateral will be installed under the Zim Smith Trail and connect to an existing interceptor sewer manhole. Chairman Howe asked for a motion to approve the easement on county lands.

Commissioner Cannon made a motion to recommend the Saratoga County Board of Supervisors authorize the acceptance and execution of the easement over property owned by Saratoga County as proposed by Anthony DiSiena and Lindsey Donini who reside at 68 English Road in the Town of Clifton Park to allow a sewer lateral to be installed on County lands. The lateral will be installed under the Zim Smith Trail and connect to an existing interceptor sewer manhole. Commissioner Bisnett seconded the motion. Discussion involved the County Attorney's involvement. Attorney Hartnett said there have been precedents for this before, Attorney Naughton has reviewed the easement and is on board with everything in it and he is in support of it as well. The motion passed. 6 Ayes, 3 Absent, 0 Nays.

ATTORNEY REPORT – Attorney Hartnett requested the Commission make a motion to go inter executive session to discuss pending litigation.

On a motion by Commissioner Cannon and seconded by Commissioner Bisnett, the Commission moved to go into Executive Session with the County Administrator, legal counsel and staff present at 4:19 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 Cannon and seconded by Commissioner Bisnett, the Commission moved to go out of Executive Session at 4:39 p.m. in accordance with the Open Meetings Law (Public Officers Law § 105(1)(2). Motion passed: 6 Ayes, 3 Absent, 0 Nays.

Attorney Hartnett said let the record show that no action was taken during Executive Session.

DEDICATIONS – None

A motion to adjourn the meeting was made by Commissioner Cannon and seconded by Commissioner Bisnett. The motion passed unanimously.

**Next meeting May 6, 2021
3:00 P.M. at the Treatment Plant**