

APPROVED MINUTES

SARATOGA COUNTY SEWER COMMISSION No. 1 MINUTES OF SEPTEMBER 2, 2021 3:00 PM at the Treatment Plant

COMMISSIONERS PRESENT: Howe, Bisnett, Cannon, Doyle, Fillion, Hotaling, Keegan

COMMISSIONERS EXCUSED: Lansing

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; Steve Bulger, County Administrator; Mike Butler, Mechanicville

Chairman Howe welcomed everyone to the September 2, 2021 Saratoga County Sewer Commission meeting.

PLEDGE OF ALLEGIANCE: Led by Attorney Naughton

PUBLIC COMMENT: None

CHAIRMAN'S COMMENTS: Chairman Howe thanked Commissioner Bisnett for filling in for him last month. He said he was on a family camping trip and he appreciated it very much. Chairman Howe asked Executive Director Rourke if there was a chance we could schedule another tour of the plant for the Commissioners. He tries to do this annually, so he was thinking an hour before the November 4th meeting from 2:00 p.m. to 3:00 p.m. would work. Executive Director Rourke said yes, we can do that.

APPROVAL OF MINUTES of August 5, 2021. *Commissioner Cannon made a motion to approve the minutes of August 5, 2021. Commissioner Hotaling seconded the motion. No discussion. The minutes of August 5, 2021 were approved. 5 Ayes, 2 Absent, 1 Abstain, 0 Nays.*

2022 SCALE OF CHARGES

Chairman Howe said a public hearing will be schedule for October 7, 2021 at 9:00 a.m. in the Board of Supervisors Chambers and it would be great if everyone could attend. He asked for a motion to approve publication for the proposed rates for 2022.

Commissioner Doyle made a motion for approval of publication of the proposed Scale of Charges for 2022. Commissioner Hotaling seconded the motion. No discussion. The motion for approval of publication of the proposed 2022 Scale of Charges passed: 6 Ayes, 2 Absent, 0 Nays.

Executive Director Rourke said for clarification there are (2) Scale of Charges in the agenda packet: (1) for a zero dollar rate increase and (1) for a \$5.00 rate increase. He went through the differences of each for edification and he provided an overview of capital projects, future capital projects, previous rate increases from

2012 to present, the 2022 budget, the financial model, a rate comparison chart, sewer service affordability, projected rates through 2028 and other municipalities' rates charges in comparison to ours.

Commissioner Fillion joined the meeting.

Commissioner Howe said at a minimum he would entertain a \$5.00 rate increase as it is a fair increase and said we need to keep up with our capital projects. Last year with COVID we gave a break with no rate increase and it was our intension to continue with an increase this year. Commissioner Doyle agreed with a \$5.00 increase. He said it's a small increase and readily understandable as prices rise each year. Commissioner Bisnett said we need to have an active fund balance for future emergencies and it is important to maintain liquidity.

County Administrator Bulger added with the county process they are seeing inflation at the highest in all time and are having to calculate that into the budget forecast for next year. Commissioners Keegan and Hotaling mentioned possibly raising rates a little more due to inflation. Executive Director Rourke said it's a good point but he thinks the previous incremental rate increases compensated for when inflation wasn't as bad. He said another conservative aspect is he is anticipating zero grant funding and zero county funding for our projects, even though we may get something. Chairman Howe said because of COVID he thinks we should come out of it slow and revisit our incremental rate increases again next year. He thanked Executive Director Rourke for the presentation and said he really appreciated the way he grafted things out for everyone. The Commission agreed and thanked him as well.

Chairman Howe asked if there was anything else to add. Commissioner Fillion said with prices rising he agrees with a rate increase, the question is do we stay at 2% coming out of COVID. We did have a blank year last year and we have reserves covering prior years, it has to be done and the question is where is that sweet spot. Commissioner Cannon said he is with Chairman Howe with the \$5.00 increase (2%) and revisiting it again next year. Executive Director Rourke said one other variable that we don't know is with the Office of the State Comptroller (OSC), in the past they have said our rate increases don't go against the tax cap but that can change in the future which makes this discussion a lot harder and that is just another variable to weigh potentially next year.

Commissioner Bisnett said he understands we need the rate increase to cover expenses and inquired if all of the capital projects were included in that increase. Executive Director Rourke said yes they were. Commissioner Bisnett said \$33M is because of Global Foundries (GF), correct? Executive Director Rourke said correct; however, the problem is we never had a limit with NYSDEC before. He added GF is a large discharger of ammonia but we never had a limit before, and now we do and we also have a more stringent discharge permit as well. Commissioner Bisnett inquired how GF was rated. Executive Director Rourke said they went through a survey, filled out a permit application which included discharges, flows and pollutants as well. Commissioner Bisnett asked if the ammonia has increased incrementally or because they have grown, also with talk of expansion, what will that do to us in the future.

Commissioner Cannon interjected and said Executive Director Rourke has made some inroads with GF verbally and they are helping out and recognizing the fact that they are a main contributor. Executive Director Rourke said that is correct. The \$33M project upgrade is going to handle everything from their existing FAB 8.1. He said with 8.2 he has a verbal agreement that they are going to pretreat everything down to at least normal wastewater ammonia levels, which is 6 times less than what they currently discharge. He said he has a verbal but it probably makes sense to solidify that a little more with a written agreement and he can talk about that with the County Attorney's office. Director Rourke said GF understands that we are spending a lot of money to deal with a permit limit that wasn't there when they decided to locate here. Commissioner Bisnett thanked Executive Director Rourke for the explanation.

Commissioner Cannon said back to the rates. We were presented with a \$0 dollar increase and a \$5 increase and asked which was being voting on and published. Chairman Howe said we jumped ahead with the public hearing motion and he entertained a motion to approve a \$5 per user rate increase for the 2022 Scale of Charges.

Commissioner Hotaling made a motion for approval of publication of the proposed Scale of Charges for 2022 with a \$5/per user rate increase. Commissioner Keegan seconded the motion. No discussion. The motion for approval of publication of the proposed 2022 Scale of Charges with a \$5/per user rate increase passed: 7 Ayes, 1 Absent, 0 Nays.

The Commission thanked Executive Director Rourke for his presentation and said it was very informative. Executive Director Rourke said we need one more motion to schedule the public hearing for October 7, 2021 at 9:00 a.m.

Commissioner Hotaling made a motion for approval to scheduling the Public Hearing for 9:00 A.M. on October 7, 2021 in the Board of Supervisors Chambers at the Saratoga County Municipal Center in Ballston Spa. Commissioner Cannon seconded the motion. No discussion. The motion for approval scheduling of the Public Hearing for October 7, 2021 at 9:00 A.M. at the County Complex passed: 7 Ayes, 1 Absent, 0 Nays.

2020 CAPITAL PROJECTS

Storage Building/HVAC and Roof Replacement Design – Executive Director Rourke informed he was looking for (2) motions for this item. He said as discussed in the last couple of meetings, we have a storage building that we are looking to build here on site and the cost of that has increased to a point where it was driving us to look at other options. One option was a property in Mechanicville that is listed at \$1.2M. Executive Director Rourke said included in the agenda packet was a cost estimate from GPI for a new storage building that is \$2.6M and that cost has increased even more. He said initially we were at a range of \$1.8M to \$2.2M and GPI provided a little bit more of a detailed estimate, and now we are at \$2.6M.

Chairman Howe inquired about the property in Mechanicville as he was absent last month. Executive Director Rourke said it is the old DiSiena property with a showroom, a 24,000 square foot new warehouse, an 11,000 square foot older warehouse and it is currently listed for \$1.2M. He said it fits our needs, we would need to do some upgrades in terms of garage doors for parking trucks, but we were looking at potentially purchasing that property and utilizing that as opposed to building a new storage building on site. Chairman Howe asked if anyone had talked to the city. Executive Director Rourke said not yet, only the realtor. Chairman Howe said he knows we are exempt from zoning but he would like to look at their zoning and see what is permitted and make sure there are no objections. As a County municipal entity we are exempt from local planning and zoning but we want to be a good neighbor and at least at minimum have a discussion with them about it.

Commissioner Cannon asked Executive Director Rourke if there was a follow up on the bridge. Executive Director Rourke said yes, he did a walk through and added that one of the motions needed is to approve a contract for an engineer to follow up with an analysis. He said we are aware that if we were to dig there, there is absolute oil contamination in the soil, but the intent is not to dig there. Commissioner Keegan inquired about costs to update the property buildings. Executive Director Rourke said approximately \$200,000.00 to \$300,000.00 which is still well below the \$2.6M. He mentioned the showroom is currently being rented and he was told the renters would like to stay for now until we can figure out a potential use for us or other county entities. Saying all of that and thinking it is a good deal, the first motion he would ask for is authorization to allow himself as Executive Director to negotiate with a realtor to begin discussions.

Commissioner Bisnett made a motion to authorize Executive Director Rourke to negotiate and explore the feasibility of acquiring property in Mechanicville for storage use as opposed to building a new storage building

on site at the WWTP. Commissioner Fillion seconded the motion. Discussion involved roof inspection under engineering analysis and tenant being an auction house. The motion passed: 7 Ayes, 1 Absent, 0 Nays.

Executive Director Rourke said the second motion would be to authorize a contract with MJ Engineering for property inspection including structural and architectural, mechanical, electrical, plumbing and any environmental assessment for a cost not to exceed \$24,700.00.

Commissioner Doyle made a motion to forward a recommendation to the Board of Supervisors to authorize an agreement with MJ Engineering and Land Surveying in the amount of \$24,700.00 to provide professional architectural and engineering services to perform a building and environmental assessment at the property located on Round Lake Avenue in the City of Mechanicville. Commissioner Bisnett seconded the motion. No discussion. Motion passed: 6 Ayes, 1 Absent, 1 Abstain, 0 Nays.

Interceptor Relining Phase VIIB – Executive Director Rourke reported we are still awaiting approval from the Office of the State Comptroller (OSC) for the rate increases that were associated with that project. As soon as we have that approval our engineer will finalize those plans. We have already had a meeting to go over the comments on the plans and we will begin to reach out to municipalities again for those who will be affected by this project. He added he would make sure the Commission is in the loop and informed with those meetings.

Riverside (Stillwater) I&I Reduction Design – Executive Director Rourke reported we had our final design meeting and comments on the drawings. Those updates are being finalized and he is pretty confident we will be able to go to bid this month for that project.

Saratoga Springs Pump Station and F.M. Evaluation and Design – Executive Director Rourke informed We received a cost estimate for \$1.7M for upgrading just the pump station itself. He said we were going back and forth with the engineer and thinking that was a little bit too light as we are carrying \$2M in our rate analysis spreadsheet for that project but it is moving forward and we should have a report by next week.

2021 CAPITAL PROJECTS

LED Lighting Upgrade – Executive Director Rourke reported we just figured out the issue we were having with our generator and emergency lighting circuit. Those issues will be rectified in house and once they are complete we should be able to finalize that project and get those lights replaced by the contractor, make final payment and be 100% complete with this project.

Secondary Clarifier Gate and MCC Replacement – Executive Director Rourke reported we are still in preliminary design of the project and we are expecting 30% of design plans in the next couple of months to review.

CMMS & Asset Management Implementation– Executive Director Rourke said we are working through some cloud integration issues with our GIS right now and going through some trainings and our engineer is also working on that. Our next training will be in a couple of weeks and our goal is to be at a go live scenario by the end of the year.

Technical Determination of Local Limits – Executive Director Rourke said this item we are going to require a motion on. He reminded this project has to do with our industrial pretreatment program. The Sewer District is granted authority by the Environmental Protection Agency (EPA) to run our industrial pretreatment program and that is how we issue permits to industrial users and ask them to comply with our guidelines. Executive Director Rourke said our local limits are a part of that program and they are defined in our Sewer Use Ordinance (SUO). In order to dictate what those local limits are, we need to do a large amount of sampling.

In fact, we did approximately \$60,000.00 worth of sampling that was not carried in the budget this year. Specifically we have funds in the budget and we do not have to touch the fund balance but we will need to amend the contract with Adirondack Environmental Services and increase their contract by \$60,000.00 to cover that sampling and increase the total contract to \$130,058.00. He added then all that analysis will be utilized to determine our local limits. Chairman Howe asked for a motion to continue discussion.

Commissioner Doyle made a motion to forward a recommendation to the Board of Supervisors to authorize an amendment to the agreement with Adirondack Environmental Services, Inc. in the amount of \$60,000.00 to provide additional lab sampling and wastewater analysis services associates with the Sewer Districts Industrial Pretreatment Program, increasing the total contract to a not to exceed amount of \$138,058.00. Commissioner Hotaling seconded the motion. Discussion involved how often the local limits are reviewed the last time the Sewer District reviewed them in 2004 and the need for an update. Motion passed: 7 Ayes, 1 Absent, 0 Nays.

Boiler Supply and Return Piping Replacement – Executive Director Rourke said this has been mentioned briefly over the past couple of meetings. The Sewer District's WWTP has large boilers that heat multiple building on site. The supply and return hot water piping unexpectedly failed, and the best course of action is to replace it. The location of the leak(s) is unknown as it is in a casing pipe and insulated. He said this motion would be to approve a contract with JW Danforth in an amount not to exceed \$750,000.00. Executive Director Rourke said the contract procurement mechanism we would be using for this would be something called the Gordian Contract. The Gordian purchasing mechanism has been vetted by the purchasing department. It is a mechanism called Job Order Contracting that allows one municipality to bid out tasks that other municipalities can then piggy back on. The original bid was in the Town of Greece, so we would be piggy backing off that bid. All contractors had an opportunity to bid on this job order contract that is essentially a list of 700-1,000 tasks, the associated cost to perform each task and the low bidder based on a sample project was awarded, and that was JW Danforth. Executive Director Rourke said he recognizes it is a little out of the ordinary but thinks the contract mechanism makes sense. It is a large sum of money and he wanted to discuss it today for possible action. The hope is they are going to give us a detailed proposal in the next two (2) weeks, we would then order the pipe and if this goes through they would begin working in October onsite to get the pipe installed and replaced.

Commissioner Doyle made a motion to forward a recommendation to the Board of Supervisors to authorize an agreement with JW Danforth for an amount not to exceed \$750,000.00 to provide the boiler supply and return pipe replacement. Commissioner Hotaling seconded the motion. Discussion involved how procurement contract mechanism works, timing and cost benefits, lead times with ordering piping, budgeting and funding for the project and the need for the replacement. Motion passed: 7 Ayes, 1 Absent, 0 Nays.

2022 CAPITAL PROJECTS

Biosolids Handling Facility – Executive Director Rourke reported the Intermunicipal Agreement (IMA) with Albany County is officially dissolved as of August 31, 2021. We are currently waiting for the engineer, Arcadis to cancel that contract with Albany so we can execute an amendment on our end to continue design for the biosolids handling facility here at the Sewer District's WWTP.

Ammonia Related WWTP Upgrades – Executive Director Rourke said 90% plans are due October 1, 2021 and the approvable set is due November 1, 2021. There is a lot of work that still needs to be done, but a schedule was received from the engineer with a vote of confidence and they assured us they will be able to get what they need to get done by and meet those deadlines outlined in our existing consent order.

ATTORNEY REPORT – Attorney Naughton said he had an update on the dedications. After speaking with Maintenance Manager William Bills, it was decided that Crescent Woods Subdivision was not going to move forward today and the dedicator was in agreement with that.

Attorney Naughton also wanted to say thank you to (2) Sewer District employees Rich and Nick who helped out with the intern fieldtrip. He said they did an excellent job with fielding questions and showing the interns the Saratoga Spring Pump Station and it turned out to be very good and he wanted to say thank you to them for that.

DEDICATIONS

Regatta View Area B Phase III– City of Saratoga Springs – Regatta View, LLC requested dedication of the sanitary sewer infrastructure servicing Regatta View Area B Phase III in the City of Saratoga Springs. *A motion to accept Resolution 5-2021 dedication of Regatta View Area B Phase III was made by Commissioner Cannon and seconded by Commissioner Bisnett. No discussion. Resolution 5-2021 accepting dedication of Regatta View Area B Phase III consisting of (7) manholes, approximately 391 ft. of 8” SDR 26/35 gravity main and approximately 487 ft. of 10 SDR 26/35 gravity main in the City of Saratoga Springs passed: 7 Ayes, 1 Absent, 0 Nays.*

Chairman Howe said just a reminder our next meeting will be October 7th at 9:00 a.m. in the BOS chambers in Ballston Spa. Then on November 4th we will have a tour of the WWTP at 2:00 p.m. here in Mechanicville.

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

**Next meeting October 7, 2021
9:15 A.M. at County Complex, Bldg. 1 following Public Hearing at 9:00 A.M.**