



SARATOGA COUNTY WATER AUTHORITY

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SARATOGA COUNTY WATER AUTHORITY BOARD OF DIRECTORS OFFICIAL MEETING MINUTES WEDNESDAY, FEBRUARY 22, 2023 @ 3:30 P.M.

PRESENT: Chairman Tim Szczepaniak, Vice Chairman Robert Wilcox, Treasurer Phil Barrett, Deputy Treasurer Theodore Kusnierz, and Mr. Michael Mooney. Also in attendance: Executive Director Ed Hernandez and General Counsel Mark Schachner, Esq. Absent: Supervisor John Lawler and Supervisor Mark Hammond.

Chairman Szczepaniak opened the meeting and welcomed all in attendance at 3:30 p.m.

Chairman Szczepaniak inquired if there were any changes, additions or deletions to the January 25, 2023, meeting minutes. **On a motion by Mr. Wilcox and a second by Supervisor Barrett the minutes of the January 25, 2023, meeting was adopted. Unanimous (2023-0006)**

Reports:

Operations:

Mr. Hernandez reported average daily water flows for January 2023 were 6.5 mgd. The rolling annual average was 7.64 mgd.

Financials:

Mr. Hernandez reviewed the Administrative Summary as of January 31, 2023. Budgeted water revenues through January 31, 2023, were \$627k mil. Actual revenues through January 31, 2023, were \$568k. Budgeted expenses through January 31, 2023, were \$247k and actual expenses were \$220k. The next Debt Service payments are due March 1st, 2023, for \$303,106.08 for the 2022 EFC Bond and \$586,896.88 for the 2016 Unrefunded Bond. Cash available for operations after that payment was estimated at \$1.879 mil.

Capital Projects:

Mr. Hernandez had no further updates on pending projects at this time.

Legal:

Mr. Schachner discussed the contents of the monthly legal memo as it related to the land purchase in Ballston Spa. He discussed the necessary steps under SEQRA review as well. He also indicated that the Board would need to decide later in the Agenda whether to acquire Title Insurance for the potential property transaction.

Motions & Resolutions:

Motion was made by Supervisor Kusnierz and seconded by Supervisor Barrett to authorize the payment of the monthly vouchers at a cost of \$169,247.36 in operating costs and \$18,500.00 in Bond Issuance Costs. Motion carried unanimously. (2023-0007)

Chairman Szczepaniak then discussed that the Finance Committee had met prior to this meeting to review two reports required for annual posting to PARIS. The first report was the 2022 Procurement Report. Mr. Mooney inquired about the expenses to Toadflax Nursery, which Mr. Hernandez indicated were two separate contracts for services. One being the pipeline mowing twice annually and the second being the residual solids waste removal from the lagoons. With no further discussion, **a motion was made by Mr. Mooney with a second from Supervisor Kusnierz to accept and authorize posting the 2022 Procurement Report to PARIS. Motion carried unanimously. (2023-0008)**

The next report was the 2022 Investment Report. Mr. Hernandez reviewed the interest rates and revenue generated from investments. There were no questions from the Board regarding this report. **On a motion by Mr. Mooney and a second by Supervisor Barrett, the 2022 Investment Report was accepted and authorized for posting to PARIS. Motion carried unanimously. (2023-0009)**

The next matter on the agenda was the proposed rate schedule from General Control Systems (GCS) for 2023. The Authority has an ongoing contract with GCS for services related to electrical and SCADA programming. Mr. Hernandez stated the increase was 9% across the board for all rates including prevailing wages. He was recommending that the Board approve the fee schedule. **On a motion by Supervisor Kusnierz and a second from Mr. Wilcox, the 2023 Engineering and Field Rate Schedule from General Control Systems was approved. Motion carried unanimously. (2023-0010)**

The next matter was discussion of the purchase of land at 25 Underpass Road in Ballston Spa. The Board reviewed the requirements of the State Environmental Quality Review Act (SEQRA) and, after Counsel recommended consideration of Part 2 of the Environmental Assessment Form, the Board decided to proceed directly to the SEQRA Negative Declaration and purchase approval Resolution. **On a motion by Supervisor Barrett and a second by Mr. Mooney the following resolution was approved:**

**RESOLUTION 2023-0011 OF THE SARATOGA COUNTY WATER
AUTHORITY ADOPTING A NEGATIVE DECLARATION PURSUANT TO
SEQRA AND AUTHORIZING LAND PURCHASE**

WHEREAS, The Saratoga County Water Authority (“Authority”) operates a County-wide water system which takes untreated water from the upper Hudson River, treats the water at a water treatment plant and transports it south to various locations within Saratoga County by means of a pipeline; and

WHEREAS, this water system serves as the sole or primary source of water for numerous communities in Saratoga County; and

WHEREAS, the Authority has identified certain aspects of its water system in need of improvement and wishes to increase the capacity of its water distribution system to better serve future demands in southern Saratoga County; and

WHEREAS, while there are several ways to accomplish this goal, the most desirable option includes the installation of a booster pump station and water tank; and

WHEREAS, the Authority has identified certain land within the Town of Ballston known as 25 Underpass Road (Tax Map Parcel Number 228.-2-20.11) which has the proper geography and topography for such purpose; and

WHEREAS, the Authority has caused such land to be appraised, has received and reviewed more than one appraisal report and has received an offer from the owner to sell such land to the Authority; and

WHEREAS, it is necessary to have control over the site of the project prior to developing project plans as such plans will be site-dependent; and

WHEREAS, even after the Authority has control over the site, it will take several months or even a year or more before project plans will be available; and

WHEREAS, it is therefore desirable for the Authority to purchase the land at issue prior to developing project plans.

NOW, THEREFORE, BE IT

RESOLVED, that the Authority hereby finds that review of potential environmental impacts pursuant to the State Environmental Quality Review Act ("SEQRA") by separately reviewing the impacts that are likely to result from land acquisition and those likely to result from project development will be no less protective of the environment for the following reasons:

1. Prior to land acquisition, it is not desirable to develop project plans as that process is a long and expensive one and the use of funds toward such endeavor when the Authority lacks the requisite control over the site is not an acceptable use of funds and is not fiscally responsible in this situation.

2. While the Authority is purchasing the land at issue to be the site of a booster pump station and water tank, there are no project plans yet developed and the information instrumental in reviewing the potential environmental impacts likely to result from project development will not be known until long after the site must be acquired. As such, while the broad outlines of future land use are known, the details of development will remain speculative for some time.

3. The exchange of land from one owner to another has no direct impact on the environment. Were project plans now available and all aspects of this Action considered simultaneously, there would be no impacts related to land acquisition. Instead, all impacts relevant for SEQRA Review would flow directly from land development. When the potential environmental impacts resulting from project development are fully analyzed for SEQRA purposes, all related impacts can and should then be identified. As such, the purchase of the land and future land development are functionally independent projects.

4. At the time of future development, coordinated review will be required which is expected to include the Authority and the Town of Ballston Planning Board. It is anticipated that the project will be subject to Coordinated Review and that all relevant impacts relating to this Action will be identified at that time.

5. Land purchase will not compel future development. In the event future SEQRA review reveals that project advancement would result in the type and magnitude of impacts for which development is not appropriate, the land may not be developed as currently intended.

6. Therefore, while separate review is sometimes not considered ideal, in this situation, such review will be no less protective of the environment; and be it further

RESOLVED, that land acquisition constitutes an Unlisted Action under SEQRA as the amount of land to be purchased is less than the threshold set forth at 6 NYCRR 617.4 (4); and be it further

RESOLVED, that upon review of Part 1 of the Full EAF Form prepared in relation to land acquisition, the Authority hereby finds that no significant adverse environmental impacts will result from land acquisition and hereby adopts a SEQRA Negative Declaration; and be it further

RESOLVED, that the property at issue is found to be suitable for the Authority's purpose and, after reviewing all relevant factors and all appraisal reports obtained to determine the market value of the land involved, the Authority hereby finds that the terms set forth in the offer made by the owner to the Authority are acceptable and hereby approves of the offer and authorizes the Authority Chairperson to execute the proposed contract and closing documents.

The question of the adoption of this Resolution was duly put to a vote on roll call which resulted as follows:

AYES: BARRETT, KUSNIERZ, MOONEY, SZCZEPANIAK, WILCOX
NAYES: NONE
ABSENT: HAMMOND, LAWLER

The Resolution was declared duly adopted on February 22, 2023.

STATE OF NEW YORK)
)
COUNTY OF SARATOGA)

I, Carol Alden, Secretary of the Saratoga County Water Authority, do hereby certify that the foregoing is a true copy, and the whole thereof, of a resolution duly adopted by the Saratoga County Water Authority on the 22nd day of February, 2023.

IN WITNESS WHEREOF, I have hereunto subscribed my name and signed this certificate this 22nd day of February, 2023.


Secretary of the Saratoga County Water Authority

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The next matter was to authorize the Chairman to execute a real estate contract with Howard Hanna Real Estate and James Doyle of Saratoga Springs for the purchase of property located at 25 Underpass Road, Ballston Spa (Parcel ID# 412089 228-2-20.11) at a cost of \$319,500. Also, to authorize a real estate commission to be paid at a rate not to exceed 3.5% of the purchase price upon confirmation of said rate by the Executive Director. Also authorized was the purchase of title insurance by the Authority's general counsel. Motion was made by Mr. Wilcox and seconded by Mr. Mooney. Motion carried unanimously. (2023-0012)

New Business:

Chairman Szczepaniak set the next meeting of the Authority Board for March 29, 2023 at 3:30 p.m. in the Blue meeting room of the Board of Supervisors. There will also be Audit & Governance Committee meetings prior to that at 3:15 p.m. to review and approve reports for posting to PARIS. Members of those Committees are Governance: Supervisor Lawler, Mr. Mooney, and Chairman Szczepaniak.
Audit Committee: Supervisor Hammond, Mr. Mooney and Mr. Wilcox.

Also, Mr. Hernandez requested that the Personnel Committee meet at 3:00 p.m. for a workshop to continue review of the new SCWA Salary Schedule. Members of that Committee include Supervisor Barrett, Supervisor Hammond, and Supervisor Kusnierz.

With no further business, the meeting was adjourned at 3:56 p.m. with a motion by Supervisor Barrett and a second by Supervisor Kusnierz. Motion carried and meeting was adjourned.

Respectfully Submitted,

Carol A. Alden, Confidential Secretary