

APPROVED MINUTES

SARATOGA COUNTY SEWER COMMISSION NO. 1
MINUTES OF July 28, 2010
3:00 P.M. Treatment Plant

COMMISSIONERS PRESENT: Davis, Cannon, Crowley, Doyle, Kearney Loewenstein, Nelson and Ostapczuk.

COMMISSIONERS EXCUSED: Bold

ALSO PRESENT: James DiPasquale, Executive Director; Linda MacNeal, Administrative Assistant; Stephen Dorsey, 1st Assistant Saratoga County Attorney; Spencer Hellwig, Management Specialist; Sue Duff, Chief Operator; Grant Eaton, Collection System Manager; Ed Hernandez, Delaware Engineering; Emily Donohue, *Saratogian*; Harold Wessell, *Express*; Steve Williams, *Daily Gazette*.

PUBLIC COMMENT - None

CHAIRMAN’S COMMENTS - The Sewer District is involved in a number of projects; Treatment Plant Expansion, relining of the interceptor line, upgrades of two pump stations, Rte 4& 32 and Saratoga Lake Project. However, the Commission cannot ignore that by 2014 the current Treatment plant will be at capacity due to continued growth in the County; Chairman Davis wants to put the governing officials on notice. From past experience with the expansions he realizes that from conception to completion it takes years and past upgrades have been completed just in time to meet increased capacity needs. Chairman Davis also proposes that all of Saratoga County be included in the Sewer District. Therefore, Chairman Davis appointed a committee in September 2009 to look into location of a second Treatment Plant to service the northern part of the County before the current plant reaches capacity. Chairman of the Future Plant #2 Committee; Commissioner Crowley reported that he and Commissioner Doyle traveled to the Village of Schuylerville’s Treatment Plant; information will be forwarded to him. Commissioner Crowley also spoke with the Town of Saratoga’s Supervisor, Tom Wood, for his input. Commissioners Crowley and Doyle suggest that the flows from the City of Saratoga and North should be directed to the future facility. Commissioner Doyle also presented information about the Village of Stillwater’s Treatment Plant. After one more meeting, the committee will present to the Commission a request for an engineering feasibility study.

APPROVAL OF MINUTES of June 23, 2010. *Commissioner Doyle made the motion to approve the minutes of June 23, 2010. Commissioner Nelson seconded the motion. No discussion; 8Ayes, 0 Nays. The minutes of June 23, 2010 was approved.*

TREATMENT PLANT EXPANSION - The weekly tour of the construction site and review of upcoming activities with Delaware Engineering on Monday mornings at 10:30 AM. is continuing; all the commissioners are invited to attend. Delaware Engineering, Ed Hernandez, noted that the plant is running great; BOD is excellent and the TSS has substantially improved since the flows have been directed to the new side of the plant on June 15, 2010. Several Commissioners were given a tour of the Administration area improvements prior to the meeting, and expectation is that personnel will return by the end of August. Work is progressing on the second UV chamber. Rehab of the old side has begun and is expected to be completed in November 2010. The project continues to remain under budget but requires additional time due to weather delays.

Extension of the Contract completion date to 11/15/10 has been requested; all four major Contractors have signed change orders to accept the extension without any financial settlement. Delaware Engineering is asking for their contract to be increased by \$140,400 for a total contract amount of \$2,301,183.50 due to additional inspection hours caused by the time extension. *The motion to recommend approval of extending the completion deadline of the contracts to 11/15/10 and increasing Delaware's contract by \$140,400 forwarding to the Board of Supervisors was made by Commissioner Nelson, seconded by Commissioner Lowenstein. Discussion included details of the payments and that the project remains within budget. The motion to forward a recommendation to the Board of Supervisors increasing Delaware's contract by \$140,000 to \$2,301,183.50, passed 8 Ayes, 0 Nays.*

Issuance of \$17 million in bonds and \$6.6 million in Bond Anticipation Notes for funding the Plant Expansion was completed. The reason for the one year Bond Anticipation Notes is the possibility of receiving a grant of \$6.6 million from the EPA that has been in process for several years. The effective rate for the 30 year Bonds is 4.2% and for the BAN's is .65%.

PHOENIX ENVIRONMENTAL - A request to amend Phoenix Environmental Laboratories, Inc contract from \$10,000.00 to \$15,000 contract due to increased lab sampling required by DEC's Environmental Permit Strategy Program and increased sampling due to the plant upset was made by Executive Director, James DiPasquale. *A motion to forward a recommendation to the Board increasing the Phoenix Environmental minor contract from \$10,000 to a major contract of \$15,000 was made by Commissioner Doyle and seconded by Commissioner Lowenstein. No discussion. The motion to forward the recommendation to increase the contract with Phoenix Environmental passed; 8 Ayes, 0 Nays.*

CAPITAL PROJECTS:

GROOMS ROAD AND CRESCENT ESTATES PUMP STATIONS - located in the Towns of Halfmoon and Clifton Park. TVGA is the Consulting Engineer for the project and the contractors are C.O. Falter and Brunswick Electric. Final payments and close out documents are being processed, the stations are working fine.

2010 CAPITAL PROJECTS - Interceptor relining from the most recently completed project in the vicinity of Coons Crossing Road, upgrades at the Kashmiri Pump Station in Clifton Gardens and the CK Pump Station located on Grooms Road in Clifton Park, the Consultant is Environmental Design Partnership. Bid packages for relining will be released July 30, 2010 and will be opened on September 8, 2010 at 10:00 AM at the office of General Services, 50 West High St., Ballston Spa, NY 12020. A pre-bid meeting is scheduled for August 12, 2010, 10:00 AM at the Treatment Plant 1002 Hudson River Road, Mechanicville, NY 12118. A site plan for the Kashmiri Pump Station is being developed. To proceed, easements need to be obtained from adjoining property owners. The preliminary design for both Pump Stations is proceeding.

COLLECTION SYSTEM INFORMATION:

LFTC TRUNK SEWER - Repairs to the sewer line began on June 17, 2010 and have been completed on July 23, 2010. TV inspection has been ongoing relative to the repairs. Today is the last scheduled TV inspection of the line. In the near future, SCSD will meet with the Consultant C.T. Male to review reports, inspections and associated information.

CENTRAL HALFMOON SEWER CORPORATION - Executive Director, James DiPasquale requested the Commission provide a recommendation to the Board of Supervisors to authorize a Collection action against Central Halfmoon Sewer Corporation to collect an outstanding bill for maintenance services in the amount of \$31,689.60. 1st Assistant County Attorney, Stephen Dorsey sent a collection letter to CHSC on 5/17/10 by certified mail stating that if payment was not received by August 1, 2010, Saratoga County would proceed with collection action. As of today, no payment has been received, and this motion will be forwarded on the condition that payment is not received by August 1, 2010. *Commissioner Cannon made a motion to recommend Saratoga County on behalf of Saratoga County Sewer District to proceed with collection action in the amount of \$31,689.60 against Central Halfmoon Sewer Corporation, Commissioner Ostapczuk seconded the motion. No discussion. The motion to forward a recommendation from the Sewer Commission to the County Board of Supervisors for Saratoga County to proceed with collection action against Central Halfmoon Sewer Corporation in the amount of \$31,689.60 passed; 8 Ayes, and 0 Nays.*

GLOBALFOUNDRIES DISCHARGE PERMIT- Delaware Engineering, Ed Hernandez, is conducting a technical review and determination of discharge limits to ensure compliance with the District's SPDES permit and EPA pretreatment program. Corrections to the discharge permit are being completed. Intermittent flow from flushing of systems at the plant has been requested after the sewer line has been dedicated to Saratoga County Sewer District.

ENGINEERING SERVICES-issuance of an RFP for an engineering design for Routes 4 & 32 and the improvements for the Sewer System around Saratoga Lake is in the process of being released. A draft RFP was reviewed earlier this week and changes were made. The revised draft RFP will be reviewed by Commissioner Doyle before release, next week. A tentative schedule is as follows; pre-proposal meeting will be held on 8/18/10, proposals will be due on 10/4/10. It is a complex project involving; upgrades of 9 Pump stations, 170 grinder pumps that are subject to flooding conditions, upgrades to portions of the sewer lines and design of a new system for Routes 4 & 32, dual force mains and laterals to existing properties extending service from the Treatment Plant south to Lower Newtown Road.

2452 ROUTE 9 - Town of Malta, Office/Retail building. Scott Lansing has requested a final six month extension of Reserve Capacity from August 10, 2010 to February 10, 2011; the delay in construction is due to market conditions. *Commissioner Doyle made the motion to extend the Reserve Capacity for 2452 Route 9 Office/Retail building for an additional 6 months to February 10, 2011, Commissioner Crowley seconded the motion. Executive Director, James DiPasquale stated that if a Construction Permit is not issued by February 10, 2011 a new review and Reserve Capacity application will need to be submitted. The motion passed 8 Ayes and 0 Nays.*

CHARLES SICILIANO - Mr. Siciliano has attended prior Commission meetings requesting assistance in resolution of a long term issue of his private lateral being located on adjacent property. As he with the assistance of Sewer District were unable to obtain an easement from his neighbor he has requested to connect directly through Sewer District Property requiring an easement from the Sewer District. 1st Assistant County Attorney, Stephen Dorsey prepared the easement and Resolution for approval of the Sewer Commission. Attorney Dorsey explained it is a small 10 X 12 foot parcel. *Commissioner Davis made the motion authorizing granting an easement to the Charles Siciliano Revocable Trust from Saratoga County Sewer District, Commissioner Crowley seconded the motion. No discussion. Resolution SD 4-2010 granting an easement from Saratoga County Sewer District to The Charles Siciliano Revocable Trust to install, operate and maintain the sewer lateral passed: 8 Ayes, 0 Nays.*

NYS DOT PROJECTS:

The Curry Road, Round Lake and Route 9 Intersection - Town of Malta - NYS DOT has forwarded property acquisition documents for the project. NYS DOT is relocating the entrance to the Round Lake Pump Station from Curry Road to Route 9, requiring easements. The temporary easement is for installing a driveway and re-grading, and the permanent easement for construction, reconstruction and maintenance of a drainage corridor. NYS DOT requires a resolution from the Sewer Commission before issuing an advance payment for the easements, both temporary and permanent and designating Chairman Davis as the party to execute closing papers on the Sewer District's behalf. 1st Assistant County Attorney Stephen Dorsey prepared the resolution and presented it to the Commission. *Commissioner Doyle made the motion to ratify the agreement for advance payment with NYSDOT for easement appropriation in the amount of \$10,600 and authorizing the Commission Chairman, William J. Davis to execute necessary closing papers, Commissioner Cannon seconded the motion. No discussion. Resolution SD5-2010 to ratify agreement of advance payment of \$10,600 with NYSDOT for easement and authorization for Chairman Davis to execute closing papers passed; 8 Ayes, 0 Nays.*

The 9P Bridge project - The force main has been installed and pressure tested, the new line was activated on July 19, 2010 and SCSD took over operation of the line on Monday, July 26, 2010. All aspects of this system are working well.

DEDICATION:

SARATOGA HERITAGE, PHASE 3-Town of Wilton, Tra-Tom Development, Inc. requests to dedicate sanitary sewers serving Saratoga Heritage, Phase 3 Apartment/Commercial complex off Route 9 in the Town of Wilton. The system proposed for dedication consists of 7 manholes and 1,242 ft. of 8 inch gravity line. *A motion to accept dedication of the Sanitary Sewer System serving the Saratoga Heritage, Phase 3 Apartment/Commercial complex was made by Commissioner Nelson and seconded by Commissioner Ostapczuk. No discussion. Resolution SD 6-2010 accepting dedication of Saratoga Heritage, Phase 3 sewer system passed; 8 Ayes, 0 Nays.*

FAIRWAY WOODS, PHASE 3-Town of Clifton Park- Masullo Brothers, Inc. requests dedication of the Sanitary Sewer System serving Fairway Woods, Phase 3 located off Mac Elroy Road and Route 146A in the Town of Clifton Park. The portion of the system proposed for dedication serves a 23 single family residential lots; consisting of 8 manholes, 1,460 ft. of 8" gravity sewer. Phase 1 and 2 has been previously dedicated and Phase 4 has been permitted. *A motion to accept dedication of the Sanitary Sewer System serving the Fairway Woods Phase 3, serving twenty three single family residential lots was made by Commissioner Doyle and seconded by Commissioner Cannon. No discussion. Resolution SD 7-2010 accepting dedication of Fairway Woods Phase 3 passed; 8 Ayes, 0 Nays*

NIELSON LANDING - Town of Saratoga-Nielson Road, LLC requests dedication of the Sanitary Sewer System serving Nielson Landing located off Nielson Road and 9P in the Town of Saratoga. The system proposed for dedication serves a 20 lot residential subdivision consisting of 13 manholes and 3,008 ft. of 8" gravity sewer. **A motion to accept dedication of the Sanitary Sewer System serving Nielson Landing, a 20 lot residential subdivision was made by Commissioner Doyle and seconded by Commissioner Cannon. No discussion. Resolution SD 8-2010 accepting dedication of Nielson Landing passed; 8 Ayes and 0 Nays.**

TRIVERS MEADOWS, PHASE 2 - Town of Malta- John Luke Development, LLC requests dedication of the Sanitary Sewer System serving Travers Meadows, Phase 2 located off Eastline Road in the Town of Malta. Phase 2 serves lots of the residential subdivision consisting of 17 manholes, 4,200 ft of 8 inch sewer and 790 ft. of 4 inch force main and Pump Station #1. Travers Meadows Phase 1 has been previously dedicated. **A motion to accept dedication of the Sanitary Sewer System serving Travers Meadows, Phase 2 was made by Commissioner Doyle and seconded by Commissioner Loewenstein. No discussion. Resolution SD 9-2010 accepting dedication of Travers Meadows, Phase 2 including Pump Station #1 passed: 8 Ayes and 0 Nays.**

ORONACAH FARMS - Town of Clifton Park - Tralongo Builders, Inc requests dedication of the Sanitary Sewer System serving Oronacah Farms located off Vischer Ferry Road in the Town of Clifton Park. The system proposed for dedication serves a 21 lot residential subdivision consisting of 16 manholes and 1,426 ft. 8" sewer. **A motion to accept dedication of the Sanitary Sewer System serving Oronacah Farms was made by Commissioner Doyle and seconded by Commissioner Ostapczuk. No discussion. Resolution SD 10-2010 accepting dedication of Oronacah Farms passed 8 Ayes and 0 Nays.**

2011 BUDGET AND SEWER RATES - Executive Director James DiPasquale attended a meeting this morning with the Administrators Office, he is compiling information for the 2011 budget and rates. Submittals are due to the County Administrator by August 27, 2010.

COMMITTEES:

SCALE OF CHARGES COMMITTEE - A meeting was held June 30, 2010 to review permitting of connections. Commissioner Crowley contacted the Town of Colonie as to their procedure in establishing rates; their advice was to lump together in categories users that are not ordinary and avoid billing by the metering of flow. The Town of Colonie will forward additional information to Commissioner Crowley's E-mail. Commissioner Crowley will contact other municipalities for their procedures.

EXECUTIVE SESSION - *Commissioner Crowley made the motion to adjourn to Executive Session concerning pending litigation by NYS DEC for alleged SPDES permit violations from August 2009 through April 2010. Commissioner Doyle seconded the motion; No discussion. The motion to exit for executive session passed; 8 Ayes, 0 Nays.*

The motion to adjourn from Executive Session was made by Commissioner Crowley and seconded by Commissioner Cannon. No discussion; 8 Ayes and 0 Nays.

The motion to return to regular session was made by Commissioner Doyle and seconded by Commissioner Cannon and passed; 8 Ayes and 0 Nays.

Commissioner Davis made the motion to recommend that settlement negotiations be pursued by the County Attorney's Office with counsel for DEC to: correct factual inaccuracies in the language of the Consent Order; pursue SCSD's affirmative defense of an upset of the Plant's biological process due to the unauthorized and unanticipated presence of methylene chloride and ongoing upgrade related activities; and negotiate the lowest possible monetary fine and seconded by Commissioner Doyle. The motion passed; 8 Ayes and 0 Nays.

A motion to adjourn the meeting was made by Commissioner Crowley. Commissioner Cannon seconded the motion. No discussion. The motion was passed; 8 Ayes, 0 Nays.

**NEXT COMMISSION MEETING
Wednesday, August 25, 2010
3:00 PM Treatment Plant**