

APPROVED MINUTES

SARATOGA COUNTY SEWER COMMISSION No. 1
MINUTES OF May 29th, 2024
3:00 PM at the SCSD # 1

COMMISSIONERS PRESENT: Chairman Bisnett, Commissioner Doyle, Commissioner Smassanow, Commissioner O’Hara, Commissioner Scirocco, Commissioner Lansing, Commissioner Butler (late)

COMMISSIONERS EXCUSED: Commissioner Fillion and Commissioner Hotaling

ALSO PRESENT: Dan Rourke P.E., Executive Director; William Bills, Maintenance Manager, Andrew Marsden, Assistant Maintenance Manager; Gene Hutchings Jr., Chief Operator; Alex Yacobucci, Assistant Chief Operator, and Petra Holden, County Attorney

Chairman Bisnett called the meeting to order. Pledge led by Commissioner Lansing

PUBLIC COMMENTS: NONE

CHAIRMAN’S COMMENTS: NONE

Chairman Bisnett asked for a motion to approve the April 25th, 2024 minutes.

APPROVAL OF MINUTES of April 25th, 2024. *Commissioner Smassanow made a motion to approve the minutes of April 25th, 2024. Commissioner Doyle seconded the motion. No discussion. The minutes of April 25th, 2024 were approved: 5 Ayes, 1 Abstain, 3 Absent, 0 Nays.*

2020 CAPITAL PROJECTS

HVAC Upgrade at WWTP – Executive Director Rourke gave a status update. This is still status quo just waiting on delivery dates of the actual equipment.

Interceptor Relining Phase VIIB – Executive Director Rourke gave a status update. The Zim Smith Trail paving is set to be complete tomorrow, so we are on schedule. We did a press announcement closing the Zim Smith Trail section for a few days last week and a few days this week. We have been supplying our own stuff up there to make sure people don’t use the trail, due to the hot asphalt. It has been going smoothly so we will be on schedule for that and then they have to do the rest of the topsoil and seeding. They then they have some stuff they have to finish in Mechanicville and then that project will be complete.

Saratoga Springs Pump Station and F.M Evaluation and Design – Executive Director Rourke gave a status update. Work continues at the station, some of the architectural work is being done currently and some of the electrical work replacing VFD’s is also being done so that is pretty status quo at this point.

2021 CAPITAL PROJECTS

Secondary Clarifier Gate and MCC Replacement – MOTION TO AMEND AGREEMENT- Executive Director Rourke gave a status update. I had sent an e-mail in regard to this earlier. So, when we went out for the RFP there was an assumed construction schedule, based on some assumed lead times around 20-24 weeks that the engineer takes an assumption and generates a cost to do the work for the construction administration and construction inspections. Well the lead times are double what the manufacturers were saying at the time of the RFP, so there is added cost for the engineer in that regard. The MOPO-maintenance of plant operations has resulted in more anticipated meetings, I think Gene must of taken the clarifiers off two or three different times, which is no small feat. All the coordination needed to happen with us, the contractor and the engineer which that led to more meetings, that item was \$ 9,000 and the main brunt of that additional cost is an electrical enclosure that the engineer during design had assumed that would meet code or be grandfathered in, but when contractor came on site they said no we are not going to work in that. It's basically a big tin/steel building that has a 480v MCC's, so the original design was not included in the RFP for the new building. In my opinion they need to be paid to do the design work to put the new building in and that cost is \$ 23,000.00 so in total the original fee was \$ 95,000.00 and now the new fee is \$ 145,000.00, and in regard to the size of the project it's a 12 million project it is well within the realm of reasonable when it comes to construction administration for that size project.

Motion to Approve to Amend Agreement – *Commissioner Doyle motioned to approve and Commissioner Scirocco seconded the motion. 6 Ayes, 0 Abstain, 3 Absent, 0 Nays.*

2022 CAPITAL PROJECTS

Biosolids Handling Facility –Executive Director Rourke gave a status update. We have a meeting to talk through some of the building layouts tomorrow morning. Once we kind of finalize those decisions we will have the 60% design meeting sometime in June.

Ammonia related WWTP Upgrades – MOTION TO AUTHORIZE BOND AND PROJECT RESOLUTION – Executive Rourke we talked about this last month with the public hearing resolution, so it is a lot of the same information, we need to increase the project cost by \$ 4 million. We need a public hearing to do that which is set for June 12th, then the next step is, barring any meaningful input at public comment, is to pass at the June 18th Board of Supervisor's meeting. This again is needed by EFC for our funding for our grant funding and our SRF funding. The reality is we are actually only borrowing \$ 29 million plus for this project. We are not borrowing \$ 48 million because we have a lot of grants but the EFC needs to see that the County is behind the size of this project, and that is what the project resolution is. It is basically increasing the maximum cost of the project so, the reality is we are not even borrowing it we just need it to finalize our financing through EFC. The financing is a good deal, we are at about \$ 14.9 million at 0 % and \$ 14.9 million at market rate. We were able to sneak in under the subsidized financing line so this is the last step, we authorize these, go to public hearing and get the board to pass them and we should be able to close on that financing.

MOTION TO AUTHORIZE BOND AND PROJECT RESOLUTION: *Commissioner Lansing motioned to set Authorize Bond and Project Resolution and Commissioner Doyle seconded. Approved 6 Ayes, 0 Abstain, 3 Absent, 0 Nays*

Commissioner O'Hara asked "What is EFC?" EFC is Environmental Facilities Corporation and they are the ones the state agency takes federal dollars and issues them to state agencies for all kinds of environmental projects such as drinking water. Yes, the IUP is Intended Use Plan and there is a cutoff time on the submittal of grant applications or funding applications, which this information is on the web under IUP.

Strategic Infrastructure Planning and Financing – Executive Director Rourke gave a status update. We have had a couple more conversations with Global Foundaries about the cost share for our ammonia project. They are finally buying in which is good, I do not have any final numbers but it is going to be something like a \$ 14 million cost share spread over 10-year for that project. That is really good news and when I have something more final, I will make sure to bring it to the commission and let you know.

Not sure what of this conversation you would like in (if any) –

The County hired a liasion to kind of just work with Global Foundaries on our issues not to mention any Planning issues or any Economic Development issues. That is the person who understood our plight and spearheaded it for us. His name is Sandy Mathes who has his own firm.

Commissioner Smassanow asked what moved the needle on this? Executive Rourke, not sure on that but I think it is The Federal Department of Commerce whom needed to do a due diligence inspection of the Global Facility to ensure that if they give GF \$ 3 billion dollars we know you can handle it and spend it and that they can handle their business. A few different questions about wastewater in their inspection and I think that raised a couple of flags about potential liabilities. They also told Sandy go find all the state money you can for us instead of us paying out of pocket. That would be my guess of what moved the needle.

Commissioner O’Hare asked if this would be an ongoing relationship to work with them ? Executive Director Rourke stated yes, so I have weekly meetings with Global. They are a huge user of ours, they discharge about 3 million gallons a day, and they are in what is called our Industrial Pretreatment Program . So, we issue a permit and they have to meet that permit for us. We are basically like the regulatory agency for Global Foundaries for the wastewater side at least, not for everything. So, yes we definitely have an ongoing relationship.

Commissioner Smassanow asked if same thing with the truck or trailer where we can test different methods is that going to be a part of this? Executive Director Rourke stated that will not be a part of this dollar amount. That is still a no that one I still want to go out and see what kind of numbers come back to see if it makes sense for us to do it. With that being said it is a bit of a spreadsheet exercise if we were planning on covering this money ourselves and then they come in step in you can say they are more or less helping with that too.

2023 CAPITAL PROJECTS

Ace Pump Station Upgrade –Executive Director Rourke gave a status update. The startup I believe is slated for this Friday of that station and if everything goes smooth this will be removed from agenda next month.

Building 5 Roof Replacement - Executive Director Rourke stated the project is complete and everything went well. This is another item that will be off the agenda next month.

Spa Park Station Upgrade and South Broadway Design – Executive Director Rourke stated still just working through the design of pump station and putting final specifications together and then as well the South Broadway Design. They did meet with Saratoga Springs, they got a few projects they were looking at that may happen on South Broadway, or are already in front of the City on South Broadway and they are using that information for sizing the sewer right now. We are still in the thick of planning and design at this point.

Commissioner Scirocco stated so apparently it looks like The Treehouse Brewery bought the property, and was asking if there is an upgrade that has to be done in that part? Executive Director Rourke said yes, I think they did and he would have to look because that would actually be connecting to an existing 4-inch line that

runs down there and then stated we will have to see because the hotel next door has a pump station and is also adding more rooms so depends on what that station is rated for. We will have to see if there is capacity in that 4-inch line. We already own that 4-inch line so that would either be Treehouse you need to upgrade this line or depending if can fall under this project where we run a parallel down and treehouse connects to that as well, because you are only talking about going another 400-500 ft past wherever this extension would end. Executive Director Rourke answered yes to Commissioner Smassanow that it is Crescent Avenue. He was not sure when the hotel went in, maybe 2014. There is a low-pressure line, but it is a pump station, a small one.

2024 CAPITAL PROJECTS

North Side Primary Clarifier Upgrade – Executive Director Rourke stated that the bid is still awaiting final review by me and we are awaiting a final Purchase Order from the vendor. Just some back and forth on dimensions and changes and the style of the gear boxes that we are looking at, so hopefully we can order those parts sometime by mid-June. Just the parts for that project I think we are looking upwards of ½ million dollars. It is a big purchase then we will go out to bid the actual install of those parts.

Town of Wilton Force Main Capacity Upgrade Design – Executive Director Rourke stated just had the kick-off for this meeting with the engineer yesterday. We will be getting that design started basically they are analyzing from where the Wilton Force Main dumps on Excelsior Avenue all the way north following Jones, Carr, Traver and Northern Pines all the way up to the Ace Pump Station. There have been capacity issues on that, there are multiple pump stations on that and, so they are just going to analyze see how much more can go on before somebody needs to do an upgrade because there are still plenty of parcels in Wilton that can be developed.

MISCELLANEOUS

UV Maintenance Contract -MOTION TO ENTER INTO AGREEMENT-Executive Director Rourke stated this is an annual contract we have done for about the past 4-5 years. Basically, Wedeco comes in and the way we disinfect wastewater before it goes into the Hudson is with UV treatment. So, basically a bunch of lightbulbs at X amount of wattage and at X amount of wavelength deactivates the DNA, so it is very important to our process since we have a fecal coliform limit. This allows us to keep the system up to snuff. It is two 3 day visits. This year the one thing that is a little bit different is we will add a training day, we have some new employees and it has been a while since we had this training day added on. That adds about \$1,600.00, so the total contract cost is \$18,650.00 and we would need a motion to approve that contract.

MOTION TO ENTER INTO AGREEMENT: *Commissioner Doyle motioned to Enter into Agreement and Commissioner O'Hara seconded. Approved 7 Ayes, 0 Abstain, 2 Absent, 0 Nays*

Heritage Springs Valuation – Executive Director Rourke recommended to go into Executive Session.

MOTION TO GO INTO EXECUTIVE SESSION: *Commissioner O'Hara motioned to Go Into Executive Session and Commissioner Butler seconded for the proposed acquisition sale or lease of real property or proposed acquisition of securities or sale or exchange of securities held by such public body but only when publicity would substantially affect the value thereof.*

All in Favor: 7 Ayes; 0 Abstain; 2 Absent; 0 Nays.

MOTION TO GO COME OUT OF EXECUTIVE SESSION: *Commissioner Scirocco motioned to Come Out of Executive Session; Commissioner Butler seconded. All in Favor: 7 Ayes; 0 Abstain; 2 Absent; 0 Nays.*

No Action Taken in Executive Session

Damage Claim – Executive Director Rourke stated we have talked a little about this last month. Just for a refresher basically one of our pump stations in the Town of Stillwater was in a high wet well and we responded and found that we had more capacity in the station and could of opened up another Force Main and turned up our VFB's. During that time there was a basement back up and we looked at it and determined it could have been us, it is hard to say 100% of us who knows if their lateral was 50% clogged? You just don't know. In the last meeting there were two things that were asked for. One was proof that their insurance denied it, and they did send me that their insurance denied their claim. The second was a quote from a reputable licensed contractor and that came as well. So everything seemed relatively above board so my recommendation is the liability is questionable I think there maybe some of the County and I think that if this were to go in front of an arbitrator or mediator they probably would split it down the middle anyway, so that is my recommendation that we offer \$ 2,500 as a claim settlement to this property owner.

Since it is above \$ 1,000.00 we need a motion.

Chairman Bisnett stated that he and the Executive Director did talk about this and in whatever communication he puts, we make it so we are not saying it is 100% our responsibility.

Attorney Holden asked if we could run that past them. Executive Director Rourke responded to Attorney Holden that years ago we did, that basically we had a homeowner sign off on the fact that there would be no further action. Commissioner Doyle stated you can include that this time also? Response from Executive Director Rourke was yes.

Chairman Bisnett did let Commissioner Smassanow know that it was not a cellar, it is a raised ranch, it is in his neighborhood so he went by and the floor is close to the ground. Commissioner Smassanow, so you did due diligence and it sounds fair.

MOTION FOR DAMAGE CLAIM SETTLEMENT: *Commissioner Smassanow motioned to the Damage Claim Settlement and Commissioner O'Hara seconded. Approved 7 Ayes, 0 Abstain, 2 Absent, 0 Nays*

Sewer Rate Reduction for Volunteer EMT/Fire- Executive Director Rourke stated he has spoken to Real Property who have been great to work with. They generated a list of all the volunteers that are receiving a benefit on their property taxes at this point. They highlighted whom was connected to the sewer. It was about 120 volunteers at this point. The easiest way to handle this if we wanted to move forward with it is to have the Towns change the number of units on the tax roll so instead of 1 unit it would be .8 or .5 units, whatever you as a commission would like to give as a break. I ran some initial numbers and our rated average rate across the County is \$ 277.00. If you assumed a .8 unit or a 20% reduction that comes out to a total cost for us of \$6,700.00. Each home would save about \$ 50-\$ 55 per year at .8. If you wanted to go to a .5 and give them a 50% reduction on the rate that would be \$ 16,600.00 something like that. So, it is doable budget wise. That being said this also is year over year and could increase, because it is an application process. Right now for example there is nobody, the only towns that are participating atleast the people in the towns are Ballston, Clifton Park, Halfmoon and Milton. So, if we want, I will keep moving forward with this, it is up for discussion it would not happen until the Scale of Charges.

Commissioner Doyle stated he thinks .8 is reasonable. They now have a mileage gas allowance each month and I think they should get something. Per Chairman Bisnett the whole idea is to recognize them, and it is not a big cost to us and yet it shows we care as part of the County. It is also consistent with the tax initiative too.

Executive Director Rourke mentioned agreed and there are some hiccups that come up like what if 2 volunteers live in the same house? It is one unit, you do not double the reduction, but I will try to handle all that if everyone is ok with those small questions and bring you a final proposal in the scale of charges discussion.

User/Dwelling Definition – Executive Director Rourke mentioned in our Scale of Charges there is a section that says for single family homes or properties 1 dwelling equals 1 user. So, what is happening more and more often and really this came out around Ballston Lake with that project is there are a lot of single-family properties that have heated nice in-law apartments that are potentially rentable especially with Air BnB So, the question I am getting asked from towns is we think that is another unit, it is another thing connected so they should be charged another unit. So the way we handled it is we have been giving a lot of autonomy to the towns to say if you think it is a dwelling fine, we will add a unit and put it on the tax roll. Well, now I am getting calls from constituents saying why is it another unit, what is going on? So, again, this is a Scale of Charges thing, we do not have to figure anything out today, but I just did some digging just to see if there is a definition of a dwelling anywhere and again said this is probably something better suited for the attorney's office and Attorney Holden said yes, they will take a look at the definition and see what the legal is.

Executive Director Rourke stated he did get it out of NYS multi dwelling law, it is more for like large cities, I think the law is actually for cities above 325,000 people, but I thought the definition was good, it says a dwelling is any building, structure or portion thereof which is occupied in whole or in part as a home, residence, or a sleeping place of 1 or more human beings.

Commissioner Smassanow stated that the Assessors have a statewide group of Assessors and he bets they already worked through this. Executive Director Rourke said the Assessors are the ones reaching out to him. Chairman Bisnett stated he thought there was some stuff being done at the State level about short term rentals and Airbnb's.

Commissioner Butler stated yes he had heard some stuff. Chairman Bisnett said the whole hotel business is behind it because it affects them. Commissioner Butler said he knows there are 2 one-family houses in Mechanicville and they are both Air BnB's. But they are 4 and 5 bedrooms, so right now you are a one-family but then all of a sudden you have ton people staying in them. So the usage increases yet it is still a one-family.

How do you find that though? You have a house that has one bedroom and one that has six bedrooms it is still one unit, you do not charge more for a multi bedroom home, that generates more waste than a single bedroom, and if these in-law apartments are physically attached as opposed to being separated how do you define that? They are advertising on Airbnb, that is how we found out. That is for rentals, but there is also a push on forced communities to allow in law apartments to be added to existing dwellings as long as they comply with zoning. The setbacks and all the other aspects, because we talked about it last night at our Planning Board meeting where they are now starting to push for the state to allow this but it still has to comply with Zoning, so I do not know if they are then going to say that this is an additional unit or part of the dwelling and it is another bedroom.

ATTORNEY REPORT

Attorney Holden advised that Attorney Conway stated there is no update.

DEDICATIONS

Meader Lane- Town of Ballston - requested dedication of the sanitary sewer infrastructure servicing Meader Lane, in the Town of Ballston.

A motion to accept Resolution 4-2024 dedication of Meader Lane was made by Commissioner Dolye and seconded by Commissioner Butler

Discussion involved conditions of dedication, Resolution 4-2024 accepting dedication of Meader Lane, consisting of (5) manholes, and approximately 1,100 lf of 2” DR-11 and 1,802.51 lf of 3” DR-11 in the Town of Ballston.

Passed: 6 Ayes, 1 Abstain, 2 Absent, 0 Nays

Executive Director Rourke thanked everyone. A motion to adjourn was made by Commissioner Butler and passed unanimously.

**Next meeting June 27th, 2024
3:00 P.M. at the Sewer District # 1 Office
1002 Hudson River Road, Mechanicville, NY 12118**