

# UNAPPROVED MINUTES

## SARATOGA COUNTY SEWER COMMISSION No. 1 MINUTES OF June 27th, 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, Commissioner Fillion

**COMMISSIONERS EXCUSED:** Commissioner Hotaling

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

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

**PUBLIC COMMENTS:** NONE

**CHAIRMAN'S COMMENTS:** NONE

Chairman Bisnett asked for a motion to approve the May 29<sup>th</sup>, 2024 minutes.

**APPROVAL OF MINUTES of May 29th, 2024.** *Commissioner Doyle made a motion to approve the minutes of May 29<sup>th</sup>, 2024. Commissioner Lansing seconded the motion. No discussion. The minutes of May 29th, 2024 were approved: 8 Ayes, 0 Abstain, 1 Absent, 0 Nays.*

Executive Director Rourke stated that the County has some great intern programs and different departments can get interns for the summer. He welcomed our Summer Intern Tomas Ruiz. He is joining us until about mid-August. He is an Environmental Science Major at Skidmore. We give about 20 tours every semester here to Skidmore students and that is how he found out about us and the potential internship opportunity. This is a really good program that the County runs and Tomas is doing a great job so far, so Welcome Tomas.

### 2020 CAPITAL PROJECTS

**HVAC Upgrade at WWTP** – Executive Director Rourke gave a status update. This is still status quo no updates on delivery dates of the actual equipment.

**Interceptor Relining Phase VIIB** – Executive Director Rourke gave a status update. They are finishing up restoration in Mechanicville over the next couple of weeks. We really should be all set after that on this project. Commissioner Butler stated they were spraying the hydroseeding today and it looks like Mechanicville other than where they poured sidewalks is going to be pretty much done. They just have to go back and strip forms and stuff like that. Everything looks like it has been leveled off and it looks pretty good. Executive Rourke stated so this likely will be coming off the agenda next month. This was a good successful \$ 26 million project for the district. I will bring this back to your attention once we roll this into Long Term Financing which will

happen typically sometime in September, when the County goes out for their Short and Long-Term Financing. So, once we get that information back with what our market rate is, our net interest rate is, and what our debt service payments will be, I will bring it back to the Commission, so that you are informed.

**Saratoga Springs Pump Station and F.M Evaluation and Design** – Executive Director Rourke gave a status update. The Architectural work is still being completed and work is still moving pretty slow at this point. All of the equipment that actually transports wastewater is upgraded and done so they are kind of moving a little bit slow at this point. They have to do some electrical work, some VFD's (variable frequency drive) installations, and still install the new generator. This is mainly building work that is being completed. The guts of what is actually moving the wastewater is already completed.

## **2021 CAPITAL PROJECTS**

**Secondary Clarifier Gate and MCC Replacement** – Executive Director Rourke gave a status update. We have supplied the comments for the final submittal review and those are back to the engineer, so hopefully we can get that approved. We are hoping that the lead time on this is reduced from the 52 weeks that they told us for that equipment down closer to 28 weeks, but we will see. We do not get that information until we get a final approved submittal, but that project is moving in the right direction.

## **2022 CAPITAL PROJECTS**

**Biosolids Handling Facility** – Executive Director Rourke gave a status update. This project is still on schedule for the 60% design meeting in July.

**Ammonia related WWTP Upgrades – MOTION TO SET PUBLIC HEARING.** This was a status update on the agenda but some information has come in late yesterday. I have spoken with Bond Counsel yesterday based on a couple questions EFC has asked us. So every time we have needed to spend money on this project we have needed a project resolution and a bond resolution. So, everything we have submitted to date was all based on construction costs because that is where we are borrowing the money. Apparently bond counsel in their opinion a project resolution is not only construction cost it also needs to include engineering costs. Now the engineering cost for this project we have budgeted year over year out of our annual budget and they are paid out of our annual budget, which also has a public hearing associated with it. Bond Counsel does not think that that is good enough. So, basically what we need to do today is have a motion to set another public hearing to increase the total project cost to include engineering fees, and bond counsel and fiscal advisor fees, and then amend our bond resolution even though we are not borrowing anymore money. We are still borrowing approximately the \$ 29 million. This is all under County Law, NYS Consolidation Laws Subsection 268 spells out what a district has to do. As stated, I just found this out yesterday and have not had time to reach out to our attorney's yet and typically for something like this we have outside counsel. I am not going to argue with it, since they are saying we need to do this, but unfortunately, we will have to do a new project and new bond resolution, which does jeopardize us potentially getting our hardship funding through our subsidized EFC loan because we have to close by September and this does not get us a bond resolution until August. It is all going to depend on when the EFC board meeting falls to determine the projects to be in the final pool for their projects for 2024. Anyways that is it, and I did share the fact with them that I am pretty disappointed it is just coming out now.

*Discussion - - - Commissioner Smassanow raised the question would it help if we could get the resolution together and come in two weeks from now to move it ahead? Per Executive Director Rourke he does not think so because you would have to get whole County Board to make it happen, this goes through the County Board not the Commission for the public hearing and the resolution.*

*Commissioner Fillion stated hopefully maybe County Counsel can find if it is not accurate or if there is a way around it. Executive Director Rourke stated he will touch base with Petra and the team and see what they think and then I will get the final determination. He stated our Bond Counsel was suppose to talk to EFC today. He emailed them and they have not emailed back on what their determination is going to be or if it was going to fall off the funding cycle for this year. If that happens then that could potentially remove us from that subsidized financing. Which then if we had to go with the market rate that is a fair amount of money as opposed to \$ 14 million at 0% at 30 years.*

*Commissioner Smassanow and Commissioner Lansing were asking if could do same time, set the Public Hearing, advertise for that date and do the resolution right after. Chariman Bisnett also stated they do that at Planning they close the Public Hearing then do the resolution. Is this something we could do?*

*Executive Director Rourke stated that no the process takes two-months. The Board sets the Public Hearing for Law and Finance next month, then set the agenda for the board. They only meet once a month, so it takes the two months, the one meeting to set and one to approve, also have to advertise an Affidavit of Publication.*

**MOTION TO SET PUBLIC HEARING:** *Commissioner Lansing motioned to set Public Hearing and Commissioner Butler seconded. Approved 8 Ayes, 0 Abstain, 1 Absent, 0 Nays*

Per Executive Director Rourke he wanted to reiterate the cost to the user is not changing in the resolution based on the project cost. The only thing changing is the total cost.

The engineering fees to date are \$ 3.8 million and we need more proposals to finish the construction side. I am putting a budget amount of \$ 4.5 million in for the engineering side plus a couple hundred thousand for the fiscal advisor and bond counsel.

**Strategic Infrastructure Planning and Financing** – Executive Director Rourke gave a status update. The Lakeview Landing odor issue was part of this item. We have the plans and have issued comments. We are hoping to go out to bid for that soon and award that at the July Commission Meeting. The goal is to get that project to be constructed by the end of the year. We are still working on the Viall Ave Sewer issue. We just went out and TV'd some of it to understand the different construction materials that are there. We have to give that to the engineer and they have to come up with a final plan. Lastly, under this item is the pilot system we talked about. That is at the back burner for a little bit of time but we will bring that up front again. Have to talk to the engineer see if we have the right materials to go out for an RFP for a final design and construction of that pilot to get costs. We can then talk about if there is any way to share those costs with other governmental agencies, state or local and try to keep moving this forward.

## **2023 CAPITAL PROJECTS**

**Ace Pump Station Upgrade** –Executive Director Rourke gave a status update. The meter got delayed from National Grid, it was going to start up at the end of May and now the start up is slated for July 9th.

**Spa Park Station Upgrade and South Broadway Design** – Executive Director Rourke stated we sent back 90% design comments to the engineer and they are responding to those. We have not received any technical memo or planning documents on the South Broadway Sewer extension design yet.

## **2024 CAPITAL PROJECTS**

**North Side Primary Clarifier Upgrade** – Executive Director Rourke stated that we did get the total cost for the Purchase Order and it is just over a million dollars. Purchasing is requesting a breakdown of that order to go over. Once that is completed then we can continue moving forward with the purchase of those pieces of equipment.

**Town of Wilton Force Main Capacity Upgrade Design** –Executive Director Rourke stated we had the kickoff a month or so ago and the engineer is still working on the first phase of planning and information gathering for that.

**Building 7 Roof Replacement (Clamshell Building at the Plant)-MOTION TO AWARD** -Executive Director Rourke stated we received 3 bids that range from \$ 78,811.00 to \$ 110,300.00. Mid-State was the low. They have done 3 or 4 of our roofing projects and we have had good luck with them. So I would recommend Mid-State for NTE \$ 78,811.00.

**MOTION TO AWARD:** *Commissioner O'Hara motioned to award Building 7 Roof Replacement and Commissioner Doyle seconded. Approved 8 Ayes, 0 Abstain, 1 Absent, 0 Nays*

**Heritage Springs Valuation** – Executive Director Rourke stated only update is meeting scheduled to discuss a possible purchase of the system next Tuesday.

**Sewer Rate Reduction for Volunteer EMT/Fire-** Executive Director Rourke stated we have gone through all the logistics. It looks like it is going to be possible. I have talked with Shannon in our office and she is pretty confident we can get that unit reduction completed. I think the best way to do it is to go from one unit down I think the thought was a 20% reduction which is about a \$ 55 per household savings. We will keep moving forward with that I will draft up the language when we get closer to scale of charges discussion. I will take it off the agenda for now, I just wanted to bring up again now in case any questions on that.

Chairman Bisnettt stated he and Executive Director Rourke talked about how they want to communicate this Executive Director Rourke will talk to the County Communication Office to see what is the best way. We want to atleast let the people know that we are trying to do something.

**User/Dwelling Definition** – Executive Director Rourke stated no status update here, it has not been moved forward since the last meeting.

## ATTORNEY REPORT

Attorney Holden advised that we have 4 dedications. Also, Attorney Holden stated that last month we had asked whether or not the litigation regarding Heritage Springs had been cleared. It has very recently. She stated about a week and a half ago the Judge decided very conclusively in favor of Heritage Springs against the Town of Milton. Attorney Holden stated as some may remember in 2022, the Town of Milton passed a resolution stating that Heritage Springs could no longer receive \$ 2,000 per connection they could get variable rates but they felt that they had gotten enough money back from what they had invested and the judge disagreed. So the judge stated that the resolution was arbitrary capricious and that it did not abide by good county standards and that it actually violated a court order from 2012. So, for all of those reasons Heritage Springs is due not only the \$2000 moving forward but back pay for everything that was connected from 2022. I do not know if the Town will be appealing. Executive Director Rourke and I talked about what this means fiscally for Heritage Springs, and what exactly they are talking about in terms of the money they will be recouping. It might well be in the hundreds of thousands of dollars depending on how they define the use and connections there were.

Executive Director Rourke stated he will see Tuesday in conversation with Heritage Springs meeting.

Attorney Holden stated she sent the information to Dan on Lexus Nexus and it can be shared.

## DEDICATIONS

**Park West PDD-** Town of Clifton Park - requested dedication of the sanitary sewer infrastructure servicing Park West PDD, in the Town of Clifton Park.

*A motion to accept Resolution 5-2024 dedication of Park West PDD was made by Commissioner O'Hara and seconded by Commissioner Smassanow*

Discussion involved conditions of dedication, Resolution 5-2024 accepting dedication of Park West PDD, consisting of (31) manholes, and approximately 3,951 lf of 8" SDR-26 gravity main sewer in the Town of Clifton Park.

*Passed: 7 Ayes, 1 Abstain, 1 Absent, 0 Nays*

**Route 146A Edgewood Dr Residential Subdivision-** Town of Clifton Park - requested dedication of the sanitary sewer infrastructure servicing Route 146A Edgewood Dr Residential Subdivision, in the Town of Clifton Park.

*A motion to accept Resolution 6-2024 dedication of Route 146A Edgewood Dr Residential Subdivision was made by Commissioner O'Hara and seconded by Commissioner Fillion.*

Discussion involved conditions of dedication, Resolution 6-2024 accepting dedication of Route 146A Edgewood Dr Residential Subdivision, consisting of (7) manholes, and approximately 1,385 lf of 8" SDR-26 sewer main pipe and 80 lf of 10" IPS DR9 gravity in the Town of Clifton Park.

*Passed: 7 Ayes, 1 Abstain, 1 Absent, 0 Nays*

**Saratoga Pointe PH 2B-** Town of Stillwater - requested dedication of the sanitary sewer infrastructure servicing Saratoga Pointe PH 2B, in the Town of Stillwater.

*A motion to accept Resolution 7-2024 dedication of Saratoga Pointe PH 2B was made by Commissioner Butler and seconded by Commissioner Lansing.*

Discussion involved conditions of dedication, Resolution 7-2024 accepting dedication of Saratoga Pointe PH 2B, consisting of (11) manholes, and approximately 1,295 lf of 8” PVC Gravity main sewer in the Town of Stillwater.

*Passed: 8 Ayes, 0 Abstain, 1 Absent, 0 Nays*

**Crescent Woods Phase 3-** Town of Clifton Park - requested dedication of the sanitary sewer infrastructure servicing Crescent Woods Phase 3, in the Town of Clifton Park.

*A motion to accept Resolution 8-2024 dedication of Crescent Wood was made by Commissioner O’Hara and seconded by Commissioner Scirocco.*

Discussion involved conditions of dedication, Resolution 8-2024 accepting dedication of Crescent Woods Phase 3, consisting of (2) manholes, and approximately 500 lf of 2” DR-11 and 500 lf of 3” DR-11 Force main sewer in the Town of Clifton Park.

*Passed: 7 Ayes, 1 Abstain, 1 Absent, 0 Nays*

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

*Frank had a question in re to property across st purchcase 2021 in pretty good shape if want to check it out let us know we can go look at it.*

**Next meeting July 25th, 2024  
3:00 P.M. at the Sewer District # 1 Office  
1002 Hudson River Road, Mechanicville, NY 12118**