



SARATOGA COUNTY WATER AUTHORITY

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SARATOGA COUNTY WATER AUTHORITY BOARD OF DIRECTORS OFFICIAL MEETING MINUTES THURSDAY, JULY 26, 2018 @ 3:25 P.M.

PRESENT: Chairman John Lawler, Vice Chair Anita Daly, Deputy Treasurer Tim Szczepaniak, Supervisor Art Johnson, and Board Member Jim Smith; also Executive Director Ed Hernandez and General Counsel Leah Everhart, Esq. **ABSENT:** Treasurer Tom Cumm and Board Member Darren O'Connor.

Chairman Lawler called the regular meeting to order at 3:25 p.m. and welcomed all in attendance. The meeting was held in the Board of Supervisors Meeting Room One.

Chairman Lawler then opened the Public Hearing for the Eminent Domain Proceeding relating to the Halfmoon Extension Project. Mr. Hernandez read aloud the purpose of the Public Hearing as follows: "The SCWA, along with the Town of Halfmoon, seek to address water supply needs and potential consolidation of existing infrastructure through a water interconnection between the Town and the Saratoga County Water Authority. The Town of Halfmoon maintains an existing water treatment facility that obtains source water from the Hudson River. The facility has been taken off-line due to contamination of the source water by PCBs associated with operations and cleanup of the river by General Electric. Water is currently obtained through an interconnection with the City of Troy that was constructed as an interim measure by the EPA. The existing Troy connection leaves the community without a backup water source during emergencies and pipeline breaks in the City of Troy.

The Authority has hired an engineering firm which designed a pipeline to service the Town of Halfmoon. The pipeline was kept in the right of way in all locations where it was feasible. Within certain areas of the right of way there were other utilities that resulted in the required need to design the water line to go just outside of the right of way, which impacts several properties along the route. Four of the property owners have indicated they would provide easements. One of the properties' ownership has been difficult to contact. As a result, the Authority is in need of an Eminent Domain process to acquire that easement. That property is located on Route 67 between Farley Road and Coons Crossing Road and runs along Coons Crossing Road. An exhibit and map of the project and property is available located on display and at the County Clerk's office." Mr. Hernandez also stated that SEQR review had been conducted and no further review is warranted.

Chairman Lawler then inquired if there was anyone who wished to speak at this time. No persons came forward to speak and Chairman Lawler closed the Public Hearing at 3:33 p.m.

Motion was made by Ms. Daly and seconded by Mr. Johnson to adopt the draft minutes of the June 26, 2018 meeting minutes as the official minutes of that meeting. Chairman Lawler abstained. Motion to adopt the minutes was approved.

(As is the practice of the Board, the Board waived a reading of the draft minutes and the adopted minutes include the long form resolutions that were passed at said meeting and the Board waived the reading of the long form resolutions.)

Reports:

Production: Mr. Hernandez reported that production data for the month of June 2018 was 7.83 MGD. Rolling annual average was 5.72 MGD. He was pleased to report that Saratoga County Water Authority won the Best Tasting Water Contest at the Taste of Malta recently. He noted we would be participating in the Regional Water Contest in Albany next week.

Financial: Mr. Hernandez discussed the financial reports through June 30, 2018. Revenues year-to-date were budgeted at \$2.62 million while actual revenues were \$3.03 million. Budgeted expenses through June 30, 2018 were \$918,089 while actual expenses were \$818,619. Estimated cash available for operations at September 1, 2018 after the next debt service payment is estimated at \$1.97 million. The next scheduled debt service payment is \$1.4 million on September 1, 2018 for the Series 2016 Bonds. He inquired if the Board wished to proceed with another payment to Saratoga County. The Board wished to proceed with the repayment.

Capital Projects:

Mr. Hernandez stated that the Storage Utility Building had no movement at this time. He stated that the bids were being reviewed still and compared with the costs of a metal building. He stated he was continuing to explore other options.

Legal: Attorney Everhart reported that there were two resolutions they had prepared for the Authority. The first being a resolution to accept the Appraisal Report from ESAC on the easement under consideration for condemnation proceeding and the second to adopt a Determinations and Findings Statement by the Board.

Motions & Resolutions:

Motion was made by Mr. Szczepaniak and seconded by Ms. Daly to authorize the payment of the monthly vouchers at a cost of \$99,760.19 in operating costs, \$1,416.00 in Plant Expansion Project Costs, \$10,941.47 in Halfmoon Project Costs, and \$2,903.29 in Storage Building Costs. Mr. Szczepaniak stated he had no concerns with the payments. Motion carried unanimously. (2018-0027)

**RESOLUTION # 2018-0028 OF THE
SARATOGA COUNTY WATER AUTHORITY
APPROVING APPRAISAL REPORT**

WHEREAS, the Saratoga County Water Authority (Authority) was created by act of the State Legislature for the purpose of providing potable water within Saratoga County; and

WHEREAS, the Authority owns and operates the Saratoga County Water Treatment and Transmission Facilities Project which includes raw water intake and pump station facilities in the Upper Hudson River, a water treatment plant and other infrastructure in the Town of Moreau, transmission main from the Town of Moreau to the Town of Stillwater and a water storage tank in the Town of Stillwater; and

WHEREAS, the Authority is contemplating extending its transmission main through the Town of Stillwater into the Town of Halfmoon to provide for interconnection and service to both the Town of Halfmoon; and

WHEREAS, the Authority wishes to obtain both permanent and temporary easement rights over property identified as tax map parcel 251.-1-10 and wishes to pay just compensation for such rights; and

WHEREAS, the Authority has obtained an Appraisal Report from Empire State Appraisal Consultants dated June 20, 2018 which has analyzed the value of all easement rights needed by the Authority over this parcel and has concluded that the total value is \$540.

NOW, THEREFORE, BE IT RESOLVED, that the Saratoga County Water Authority hereby approves the June 20, 2018 Appraisal Report prepared by Empire State Appraisal Consultants and hereby authorizes its Executive Director, Chairperson and Attorneys to prepare and make formal acquisition offers consistent with the Appraisal Report.

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

AYES: *Daly, Johnson, Lawler, Smith, Szczepaniak*
NAYS: *None*
ABSENT: *Cumm, O'Connor*
ABSTAIN: *None*

The Resolution was declared duly adopted on July 26, 2018.

The next resolution was presented as follows:

**RESOLUTION # 2018-0029 OF THE
SARATOGA COUNTY WATER AUTHORITY**

**FINDING THAT CONDEMNATION OF EASEMENT RIGHTS FURTHERS A PUBLIC
PURPOSE AND ADOPTING ITS STATEMENT OF DETERMINATION AND
FINDINGS**

***WHEREAS**, the Saratoga County Water Authority (Authority) was created by act of the State Legislature for the purpose of providing potable water within Saratoga County; and*

***WHEREAS**, the Authority owns and operates the Saratoga County Water Treatment and Transmission Facilities Project and is contemplating extending its transmission main through the Town of Stillwater into the Town of Halfmoon to provide for interconnection and service to both the Town of Halfmoon; and*

***WHEREAS**, the Authority duly noticed its intention to conduct a Public Hearing pursuant to Eminent Domain Procedure Law Section 203, such notice having been published in The Saratogian Newspaper on July 14, July 15, July 16, July 17 and July 18, 2018; and*

***WHEREAS**, such notice was also mailed by Certified Mail, Return Receipt Requested on July 13, 2018 to the following individuals at the following addresses:*

*Kathleen Pickett
Administrator of the Estate of Thomas P. Sullivan
130 South 2nd Avenue
Mechanicville, NY 12118*

*Linda Rowland
607 Broadway
Mechanicville, NY 12118*

*William and Ruth Sullivan
130 North 4th Avenue
Mechanicville, NY 12118*

***WHEREAS**, the Authority duly conducted a Public Hearing on July 26, 2018 beginning at 3:25 PM, at which time the Authority's Executive Director outlined the public purpose to be served by the proposed project, the proposed location of the water main and other additional information concerning the project and the easement rights needed; and*

***WHEREAS**, the Authority provided any members of the public present an opportunity to speak on this matter before closing the Public Hearing; and*

***WHEREAS**, the Authority has considered the public benefit sought to be achieved by interconnection with the Town of Halfmoon and has further considered the proposed location of its water main and the need for easement rights; and*

***WHEREAS**, the Authority will need a permanent easement measuring approximately 20 feet in width and being .452± acres in size located proximate to Route 67 for installation and maintenance of the water main; and*

***WHEREAS**, the Authority will further need a temporary easement measuring 10 feet in width and .413± acres in size located directly south of and parallel to the permanent easement while running parallel to Route 67, and also running south along Coons Crossing Road, such temporary easement being necessary for construction purposes; and*

***WHEREAS**, the Authority has previously conducted environmental review pursuant to the State Environmental Quality Review Act during which time the Authority considered the potential environmental impacts likely to result from project construction and determined that no significant adverse environmental impacts would result.*

NOW, THEREFORE, BE IT RESOLVED, that the Saratoga County Water Authority hereby finds that the acquisition of easement rights over land identified as tax map parcel 251.-1-10 to facilitate extension of its water main is a public necessity and will serve a public use and purpose and will benefit the public; and be it further

RESOLVED, that the Saratoga County Water Authority hereby adopts the attached Statement of Determination and Findings and further authorizes its Executive Director, Secretary and Attorneys, to draft and publish a Brief Synopsis of its Statement of Determination and Findings; and be it further

RESOLVED, that the Saratoga County Water Authority hereby authorizes its Executive Director, Secretary and Attorneys to compile and duly file a Record of these proceedings; and be it further

RESOLVED, that the Saratoga County Water Authority hereby authorizes commencement of a Supreme Court Action pursuant to the Eminent Domain Procedure Law and Public Authorities Law to acquire the necessary easement rights over tax map parcel 251.-1-10 in the event the Authority is unable to acquire good title to such rights through negotiation with and voluntary conveyance by the owners.

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

AYES: ***Daly, Johnson, Lawler, Smith, Szczepaniak***
NAYS: ***None***
ABSENT: ***Cumm, O'Connor***
ABSTAIN: ***None***

The Resolution was declared duly adopted on July 26, 2018.

The next item was a proposed Change Order from Hartgen Archaeological Associates for a Phase II site evaluation that was identified within the proposed SCWA waterline route located east of Cordero Boulevard. **Motion was made by Mr. Johnson and seconded by Mr. Smith to approve the Change Order in the amount of \$3,550 in additional work to Hartgen. Motion passed unanimously. (2018-0030)**

The final item was a requested Change Order from C.T. Male Associates for additional work on the SCWA-Halfmoon Extension for oversight of soil borings and Easement Map revisions. The total amount of the Change Order is \$2,510.00. **Motion was made by Mr. Szczepaniak and seconded by Mr. Smith to approve the Change Order for C.T. Male. Motion passed unanimously. (2018-0031)**

New Business:

The next meeting of the Saratoga County Water Authority Board of Directors was scheduled for Thursday, August 30, 2018 at 3:30 p.m. There will also be a Finance Committee meeting prior to that at 3:15 p.m. to review the 2019 Draft Operating Budget. Members of that Committee are: Johnson, Lawler & Cumm.

With no further action, motion to adjourn was made by Mr. Szczepaniak and seconded by Mr. Smith. Motion passed and meeting was adjourned at 3:50 p.m.

**Respectfully Submitted,
Carol A. Alden, Confidential Secretary**