



# SARATOGA COUNTY WATER AUTHORITY

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ED HERNANDEZ, P.E., EXECUTIVE DIRECTOR

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## SARATOGA COUNTY WATER AUTHORITY BOARD OF DIRECTORS OFFICIAL MEETING MINUTES THURSDAY, DECEMBER 20, 2018 @ 11:00 A.M.

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

Chairman Lawler called the regular meeting to order at 11:00 a.m. and welcomed all in attendance. The meeting was held in the Board of Supervisors Meeting Room One.

Chairman Lawler opened the Public Hearing at 11:00 a.m. on the proposed water rates for 2019. He inquired if anyone was present who wished to speak. There were no responses. Chairman Lawler closed the Public Hearing at 11:05 a.m.

Chairman Lawler then opened the Public Hearing on the Eminent Domain Proceedings for two parcels relating to the Halfmoon Waterline Project at 11:10 a.m. Ms. Everhart discussed the public use and necessity of the taking of the proposed properties. 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. The property owners have indicated they would provide both the permanent and temporary easements during previous

discussions with the engineering firm. However, there is now litigation between two separate parties who must approve the agreement for the easements. As of the date of the Public Hearing those parties had not provided the signatures necessary to resolve their dispute and grant the easements. As a result, the Authority is in need of an Eminent Domain process to acquire those easements. The properties are located on the southern side of Fitch Road at its intersection with Farley Road and the second is located south of Route 67 in the Town of Stillwater. An exhibit and map of the project and properties 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 inquired if there were any members of the public present who wished to speak. Noting no public comments, Chairman Lawler requested that the Public Hearing be held open until the next Board meeting on January 24, 2019 for any additional public comments.

**Motion was made by Ms. Daly and seconded by Mr. Cumm to adopt the draft minutes of the November 27, 2018 meeting minutes as the official minutes of that meeting. Motion passed unanimously.**

(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 November 2018 was 4.99 MGD. Rolling annual average was 5.87 MGD.

**Financial:** Mr. Hernandez discussed the financial reports through November 30, 2018. Revenues year-to-date were budgeted at \$4.81 million while actual revenues were \$5.7 million. Budgeted expenses through November 30, 2018 were \$1.74 million while actual expenses were \$1.57 million. Estimated cash available for operations at March 1, 2019 after the next debt service payment of \$809,272 will be an estimated at \$1.7 million.

**Capital Projects:**

Mr. Hernandez discussed the Phase II Expansion Project. The Engineering bids had been received and had been forwarded to the Engineering Committee for their review. Further discussion ensued regarding the changes in membrane systems since the original construction of the plant. He noted important aspects of the design that needed to be considered. Mr. Cumm inquired if a long term plan should include a greater capacity plan. Mr. Hernandez stated that planning should be carefully considered to examine the cost-benefit analysis.

The contracts were awarded for the Storage Building and signed. He stated that plans were being sent to the State for approval and permits would be applied for. He anticipated that construction would be ready to go in February.

**Legal:** Attorney Everhart discussed the Confidential Legal Memo sent to the Board as a privileged communication. She noted three topics her firm had worked on during the last month. Chairman Lawler discussed his concerns regarding the lack of progress relating to the Halfmoon Waterline Project. Mr. Hernandez offered to have C.T. Male present at the next meeting of the Board to explain the progress issues and how they will be resolved. Further discussion ensued regarding resolving the concerns by the Town of Stillwater. Mr. Hernandez stated there was a January 3<sup>rd</sup> meeting with Chazen and Stillwater's Town Attorney. Chairman Lawler requested that a communication be issued with the resolutions from the January 3<sup>rd</sup> meeting. Chairman Lawler also requested detail on what has been paid to date to C.T. Male relating to this project.

**Motions & Resolutions:**

**Motion was made by Mr. Szczepaniak and seconded by Mr. O'Connor to approve four budget transfers. They are as follows:**

- NYS Retirement Expense to Health Insurance \$5,000
- Prof. Svces. Contracts: Engineering to Prof. Svces. Contracts: Security \$500
- Safety Equipment Expense to Fuel: Gas/Diesel \$1,000
- Residual Solids Removal to Sar. Co. Sewer Dist. Exp. \$3,000

**Motion carried unanimously. (2018-0057)**

**Motion was made by Mr. Cumm and seconded by Ms. Daly to authorize the payment of the monthly vouchers at a cost of \$150,384.61 in operating costs, \$2,103.00 in Halfmoon Project Costs and \$18,098.75 in financing costs. Motion carried unanimously. (2018-0058)**

The next motion was to consider 2% salary increases to be effective January 1, 2019 for all eligible staff. **Motion was made by Ms. Daly and seconded by Mr. O'Connor. Motion carried unanimously. (2018-0059)**

The next agenda item was a discussion of the Commercial Insurance proposal from Marshall & Sterling Insurance at a cost of \$52,241.54. This is an increase of 4% and appears reasonable due to increases in replacement construction costs and the replacement of a vehicle. **Motion was made by Mr. Szczepaniak and seconded by Mr. O'Connor to approve the Commercial Insurance Package. Motion carried unanimously. (2018-0060)**

The final motion was to approve the increase in water rates for 2019 to \$2.310 per thousand gallons for all municipal customers and \$3.283 for all industrial/commercial customers. **There were no objections at the Public Hearing held prior to this meeting. Motion made by Mr. Cumm and seconded by Mr. O'Connor. Motion carried unanimously. (2018-0061)**

**New Business:**

The next meeting of the Saratoga County Water Authority Board of Directors was scheduled for Thursday, January 24, 2019 at 3:30 p.m.

**With no further action, motion to adjourn was made by Ms. Daly and seconded by Mr. Cumm. Motion passed and meeting was adjourned at 12:05 p.m.**

**Respectfully Submitted,**

**Carol A. Alden, Confidential Secretary**



# **Eminent Domain Public Hearing**

**FOR THE**

# **Halfmoon Water Line Extension Project**

December 20, 2018

**Leah Everhart, Esq.**  
**Miller, Mannix, Schachner & Hafner, LLC**

**Ed Hernandez, P.E.**  
**Adirondack Mountain Engineering PC**

## **EDPL PUBLIC HEARING AGENDA**

- Purpose of Eminent Domain Procedure Law (EDPL) Public Hearing
- Project Background Information
- Environmental Review
- Easement Acquisition Process
- Public Comment Period

# PURPOSE OF EDPL PUBLIC HEARING

- The purpose of the Public Hearing is to:
  - Inform the public about the Project and the Acquisition of Easements;
  - To review the public use, benefit and purpose to be served by the Project and the Easements;
  - To review the impact of the Project and Easements on the environment and on area residents; and
  - Hear public comments about the Project, the Eminent Domain process and the Easements.

# GOALS OF THE WATER PROJECT AND OF THE EMINENT DOMAIN PROCESS

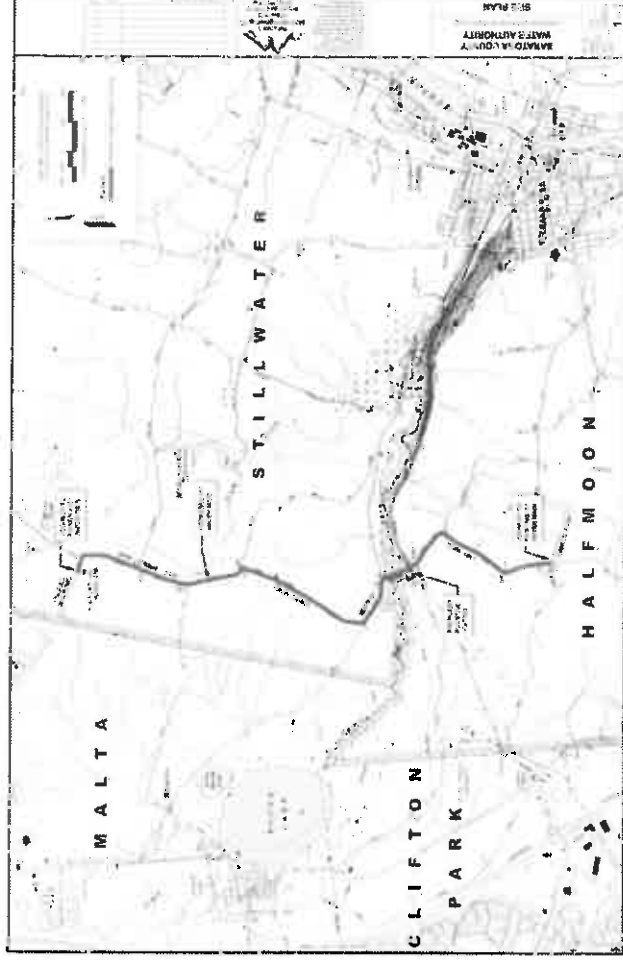
*The Water Lines and Easements will provide:*

- A Public Use – SCWA will provide the availability of potable water to the communities of Halfmoon, Waterford and Mechanicville.
- A Public Benefit – Protection of public health and environmental resources by improving the quality of potable water used by County residents and allowing communities access to drinking water.
- A Public Purpose – Expanding access to high quality drinking water.



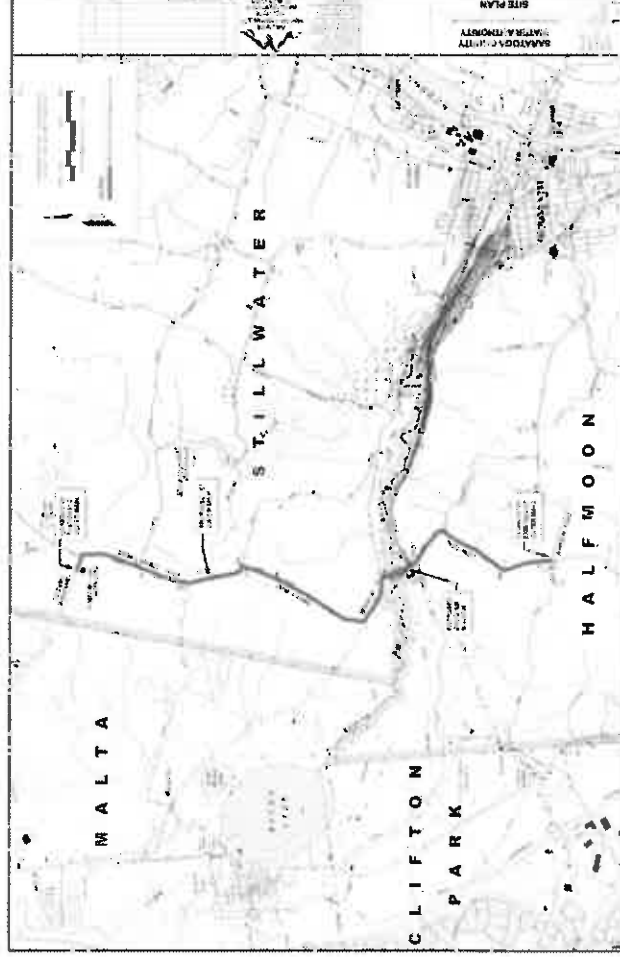
## **PROJECT BACKGROUND:**

- Service Agreement with Halfmoon Executed in June 2017
- Engineering Report completed in June 2017
- Plans Approved by NYSDOH on June 21, 2018
- NYSEFC Grant and Funding Approved in Oct 2018



## **PROJECT DESIGN:**

- Completed by C.T. Male Associates
- 20" diameter ductile iron water main to be extended from Cordero Drive down Cold Springs Road, Farley Road, Route 67 and Coons Crossing Road to the Town of Halfmoon connection at Coons Crossing.
- Design chosen to maximize the availability of future water and have the minimum impact on the environment and private properties.



## ENVIRONMENTAL QUALITY REVIEW

- The Project was processed in accordance with the State Environmental Quality Review Act (SEQRA), Title 6 Part 617 of the Official Compilation of Codes, Rules, and Regulations of New York State (6 NYCRR Part 617).
- Long Form Environmental Assessment Form (EAF) and other environmental impact information evaluated by the Lead Agency (Saratoga County Water Authority Board).
- Determination of No Environmental Significance and a Negative Declaration issued in 2017 by the Lead Agency as part of a coordinated review.

## OTHER RELEVANT FACTORS CONSIDERED

- Cultural Resources – identified and avoided.
- Wetlands – identified with minimal anticipated permitted impacts.
- Noise and Air – minimal and will be limited to the construction period.
- Protection of Private Properties.

## EASEMENT ACQUISITIONS THROUGH EMINENT DOMAIN PROCESS

- “Condemnation” Process
- Property Acquisition – minimum amount required
- Easement distinguished from ownership
- Permanent Water Easements

## **EASEMENT DESCRIPTION:**

- Grantor = Parcel Owner (as defined on current deed filed with Saratoga County)
- Grantee = Saratoga County Water Authority
- Sign voluntarily or condemnation through Court proceeding
- Once both parties sign the deed with notary or Judge signs Vesting Order
- easement filed with property records and “runs with the land”

## **EMINENT DOMAIN PROCEDURE:**

- The Board will adopt Determination and Findings;
- SCWA will publish and mail synopsis of the Determination and Findings;
- Aggrieved parties have 30 days from completion of newspaper publication to seek judicial review of the Determination and Findings in the Supreme Court, Appellate Division, Third Department;
- The SCWA then acquires needed Easements:
  - Appraisers at properties to determine value of Easement;
  - Offer letter sent to legal interest holders
  - Court proceedings to acquire remaining Easements
  - Construction begins

## **PUBLIC COMMENTS**

- Verbal or written statements are permitted
- Please provide name and address clearly for the record

