



## CLIFTON PARK WATER AUTHORITY

### BOARD MEETING MINUTES

JANUARY 9, 2019

Those present at the Clifton Park Water Authority board meeting were: Mr. Helmut Gerstenberger, Chairman; Mr. John Ryan, Vice Chairman; Mr. Peter Taubkin, Secretary; Mr. Donald Austin Jr., Administrator; and Mr. Neil Weiner, Attorney. Absent: Mr. George Peterson, Treasurer; and Mr. William Butler, board member.

Mr. Gerstenberger called the meeting to order at 7:04pm.

#### **PRIVILEGE OF THE FLOOR**

No members of the public present.

#### **OLD BUSINESS**

##### **WATER MAIN REPLACEMENT ON PLANK ROAD**

Mr. Austin reported that he spoke with the Town of Clifton Park Highway Superintendent, Dahn Bull, who stated that he had this project in the 2019 budget, but it was taken out of the budget by the Town Supervisor. Mr. Austin stated he is going to pull this item off the agenda for now. When the Town decides to move forward with the project it will be put back on the agenda.

##### **PROJECT TO INCREASE CAPACITY FROM SCWA**

Mr. Austin reported that he is waiting on plans and specifications from C.T. Male Associates. They are having difficulty getting information back from the prefab pump station manufacturer. He is hoping to receive the plans within the next few weeks.

##### **SPRINT MODIFICATION REQUEST – KNOLLTOP**

Mr. Ryan recused himself from this discussion. Mr. Weiner reported that Fran Clerkin of BSP has not heard any response from Sprint. Mr. Clerkin recommends that the CPWA consider legal action against Sprint for the retroactive rent payment of \$106,900.00 for the equipment modification made in September 2013 without the CPWA's consent. Mr. Weiner will contact Mr. Clerkin for an explanation of how he came to the \$106,900.00 and he put a call in to Sprint's attorney, Peter Murray for an update.

##### **AT&T MODIFICATION REQUEST – BOYACK**

Mr. Ryan recused himself from this discussion. Mr. Weiner reported that the proposed Heads of Terms are still under review. A counter offer is expected by the end of next month.

##### **RIGGI SUBDIVISION ON MILLER ROAD – POTENTIAL CONTRIBUTION TO ADDITIONAL WATER MAIN**

Mr. Weiner will follow up with Town Attorney, Tom McCarthy to make sure the process meets legal guidelines and to sort out the funding details.

#### **NEW BUSINESS**

##### **ORGANIZATIONAL RESOLUTIONS**

A **motion** was made by Mr. Gerstenberger authorizing Resolution #1, 2019; an Organizational Resolution; seconded by Mr. Ryan.

## RESOLUTION #1, 2019 – AN ORGANIZATIONAL RESOLUTION

Pursuant to Section 1120-c (3) the following persons are appointed as Vice Chairman, Treasurer, and Secretary of the Clifton Park Water Authority.

**Vice Chairman:** John Ryan  
**Treasurer:** George Peterson  
**Secretary:** Peter Taubkin

Roll Call Vote:

Mr. Gerstenberger - Aye  
Mr. Ryan - Aye  
Mr. Peterson - Absent  
Mr. Taubkin - Aye  
Mr. Butler - Absent

A **motion** was made by Mr. Gerstenberger authorizing Resolution #2, 2019; an Organizational Resolution; seconded by Mr. Taubkin.

## RESOLUTION #2, 2019 – APPOINTING WATER AUTHORITY ATTORNEY

**NOW THEREFORE BE IT**

**RESOLVED**, that the Clifton Park Water Authority hereby appoints Neil S. Weiner to the position of Authority Attorney.

Roll Call Vote:

Mr. Gerstenberger - Aye  
Mr. Ryan - Aye  
Mr. Peterson - Absent  
Mr. Taubkin - Aye  
Mr. Butler - Absent

A **motion** was made by Mr. Ryan authorizing Resolution #3, 2019; an Organizational Resolution; seconded by Mr. Taubkin.

## RESOLUTION #3, 2019 – AN ORGANIZATIONAL RESOLUTION

**RESOLVED**, the Daily Gazette, be and hereby is made the official newspaper of the Clifton Park Water Authority, and

**RESOLVED**, that including but not limited to KeyBank (conditional on acceptable account terms and services) hereby are designated as the official bank depositories of the Clifton Park Water Authority.

Roll Call Vote:

Mr. Gerstenberger - Aye  
Mr. Ryan - Aye  
Mr. Peterson - Absent  
Mr. Taubkin - Aye  
Mr. Butler - Absent

A **motion** was made by Mr. Gerstenberger authorizing Resolution #4, 2019; an Organizational Resolution; seconded by Mr. Ryan.

**RESOLUTION #4, 2019 – AN ORGANIZATIONAL RESOLUTION**

**RESOLVED**, that the firm of C.T. Male Associates, be designated and appointed as the professional engineers for the Clifton Park Water Authority.

Roll Call Vote:

Mr. Gerstenberger	- Aye
Mr. Ryan	- Aye
Mr. Peterson	- Absent
Mr. Taubkin	- Aye
Mr. Butler	- Absent

A **motion** was made by Mr. Taubkin authorizing Resolution #5, 2019; an Organizational Resolution; seconded by Mr. Ryan.

**RESOLUTION # 5, 2019 – AN ORGANIZATIONAL RESOLUTION**

**RESOLVED**, that the firm of Marvin & Co. P.C., CPAs be designated and appointed the professional accountants and auditors for the Clifton Park Water Authority.

Roll Call Vote:

Mr. Gerstenberger	- Aye
Mr. Ryan	- Aye
Mr. Peterson	- Absent
Mr. Taubkin	- Aye
Mr. Butler	- Absent

A **motion** was made by Mr. Gerstenberger authorizing Resolution #6, 2019; an Organizational Resolution; seconded by Mr. Ryan.

**RESOLUTION #6, 2019 – AN ORGANIZATIONAL RESOLUTION**

**RESOLVED**, that an Audit Committee has been formed and members of the Audit Committee are: Peter Taubkin, Helmut Gerstenberger, and William Butler.

Roll Call Vote:

Mr. Gerstenberger	- Aye
Mr. Ryan	- Aye
Mr. Peterson	- Absent
Mr. Taubkin	- Aye
Mr. Butler	- Absent

A **motion** was made by Mr. Ryan authorizing Resolution #7, 2019; an Organizational Resolution; seconded by Mr. Taubkin.

**RESOLUTION #7, 2019 – AN ORGANIZATIONAL RESOLUTION**

**RESOLVED**, that a Governance Committee has been formed and the members of the Governance Committee are: John Ryan, Helmut Gerstenberger, and William Butler.

Roll Call Vote:

Mr. Gerstenberger - Aye  
Mr. Ryan - Aye  
Mr. Peterson - Absent  
Mr. Taubkin - Aye  
Mr. Butler - Absent

A **motion** was made by Mr. Ryan authorizing Resolution #8, 2019; an Organizational Resolution; seconded by Mr. Gerstenberger.

**RESOLUTION #8, 2019 – AN ORGANIZATIONAL RESOLUTION**

**RESOLVED**, that a Grievance Committee has been formed and the members of the Grievance Committee are: Peter Taubkin, John Ryan, and Helmut Gerstenberger.

Roll Call Vote:

Mr. Gerstenberger - Aye  
Mr. Ryan - Aye  
Mr. Peterson - Absent  
Mr. Taubkin - Aye  
Mr. Butler - Absent

A **motion** was made by Mr. Ryan authorizing Resolution #9, 2019; an Organizational Resolution; seconded by Mr. Taubkin.

**RESOLUTION #9, 2019 – AN ORGANIZATIONAL RESOLUTION**

**RESOLVED**, that a Finance Committee has been formed and the members of the Finance Committee are: John Ryan, George Peterson, and Helmut Gerstenberger.

Roll Call Vote:

Mr. Gerstenberger - Aye  
Mr. Ryan - Aye  
Mr. Peterson - Absent  
Mr. Taubkin - Aye  
Mr. Butler - Absent

**APPROVE CONNECTION OF 4 APPLETON ROAD TO CPWA SYSTEM**

A **motion** was made by Mr. Ryan authorizing the connection to existing CPWA water system for 4 Appleton Road; seconded by Mr. Gerstenberger.

**RESOLUTION #10, 2019 – AUTHORIZING CONNECTION TO EXISTING CPWA WATER SYSTEM FOR 4 APPLETON ROAD**

**WHEREAS**, the Clifton Park Water Authority has received a request from the property owner at 4 Appleton Road in Rexford to be allowed to connect to the CPWA system, and

**WHEREAS**, the CPWA Board of Directors passed Resolution #20, 2009 requiring that “an active water main, owned and operated by the CPWA, exists either directly along the property or directly on the opposite side of the highway from the property to which water is to be supplied”, and

**WHEREAS**, there is no existing water main on Appleton Road, which creates the need for a variance to the aforementioned policy for connection of this property to the CPWA system, and

**WHEREAS**, the homeowner has asked the CPWA Board of Directors for an exception to the policy based on the capacity and water quality issues she is having with her existing well supply and the relatively short distance her property is from the existing water main, and

**WHEREAS**, the homeowner at 4 Appleton Road has secured an easement from the property owner at 969 Grooms Road, whose property has a water main directly in front of it, to run the water line to the property at 4 Appleton Road, now therefore be it

**RESOLVED**, that the Clifton Park Water Authority hereby authorizes 4 Appleton Road in Rexford to make a connection to the closest existing CPWA-supplied water main, provided that the property owner receive permission from the Town of Clifton Park to become an outside user to the Rexford Water District #2-Extension #1 and also provided that the homeowner at 4 Appleton Road provide a copy of the filed easement from the property owner at 969 Grooms Road, allowing the installation of the proposed waterline, to the CPWA.

Roll Call Vote:

Mr. Gerstenberger	- Aye
Mr. Ryan	- Aye
Mr. Peterson	- Absent
Mr. Taubkin	- Aye
Mr. Butler	- Absent

**RESOLUTION AUTHORIZING THE STATE OF NEW YORK TO MODIFY THE EXISTING WATER INFRASTRUCTURE FOR ROUNDABOUT PROJECT AT RT. 146 AND VISCHER FERRY RD**

A motion was made by Mr. Gerstenberger granting authority to the State of New York to modify the existing water main and appurtenances on the NY Route 146/NY Route 146A/Vischer Ferry Road Roundabout Project, and subsequently agreeing to own, maintain, and repair new water main and appurtenance features; seconded by Mr. Ryan.

**RESOLUTION #11, 2019 – A RESOLUTION BY THE CLIFTON PARK WATER AUTHORITY GRANTING AUTHORITY TO THE STATE OF NEW YORK TO MODIFY THE EXISTING WATER MAIN AND APPURTENANCES ON THE NY ROUTE 146/NY ROUTE 146A/VISCHER FERRY ROAD ROUNDABOUT PROJECT, AND SUBSEQUENTLY AGREEING TO OWN, MAINTAIN, AND REPAIR NEW WATER MAIN AND APPURTENANCE FEATURES**

**WHEREAS**, the New York State Department of Transportation proposes the construction of a roundabout at the intersection of Route 146/Route 146A/Vischer Ferry Road in the Town of Clifton Park located in Saratoga County, PIN 1085.43, and

**WHEREAS**, the Clifton Park Water Authority, and the State of New York will include, at the request of the authority, and as part of the above-mentioned project, and to provide at no cost to the Clifton Park Water Authority, water main and appurtenance items including: a new service connection to the landscaped median of the roundabout from the water main up to and including the curb stop, and altering of existing water valve boxes, pursuant to Section 10, Subdivisions 24 and 35 of the State Highway Law, as shown on the contract plans relating to the project and meeting the requirements of the owner, and

**WHEREAS**, the service life of the relocated and or replaced water main and appurtenances has not

been extended, and

**WHEREAS**, the State will provide for the construction of the above-mentioned work, as shown on the contract plans relating to the project and the Clifton Park Water Authority, will maintain or cause to be maintained these water main and appurtenance features.

**NOW, THEREFORE, BE IT**

**BE IT RESOLVED**, that the Clifton Park Water Authority approves of the addition of the above water features to the project; and State of New York will include water main and appurtenances within this construction project; and

**BE IT FURTHER RESOLVED**, that Mr. Don Austin, Water Authority Administrator is hereby authorized by the CPWA Board of Directors to enter into and execute, an Agreement with the State of New York and through the Commissioner of Transportation to accept ownership and maintain or cause to be maintained these water main and appurtenances on the above identified project as it relates to the Clifton Park Water Authority within its geographical jurisdiction, and

**BE IT FURTHER RESOLVED**: That Sheri Collins, Recording Secretary, is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

**RESOLVED**, that this Resolution shall take effect immediately,

Roll Call Vote:

- Mr. Gerstenberger - Aye
- Mr. Ryan - Aye
- Mr. Peterson - Absent
- Mr. Taubkin - Aye
- Mr. Butler - Absent

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I, Sheri Collins, duly appointed and qualified Record Secretary, do hereby CERTIFY that the foregoing resolution was adopted at a meeting duly called and held in the office of, Clifton Park Water Authority, a quorum being present on the 8<sup>th</sup> day of January 2019, and that said copy is a true, correct and compared copy of the original resolution so adopted and that the same has not been revoked or rescinded.

WITNESSETH, my hand and seal this 9<sup>th</sup> day of January 2019.

\_\_\_\_\_  
Name, Title

**OTHER BUSINESS**

- Mr. Austin has received proposals from 2 human resource companies to review the employee handbook and make sure that it is compliant with the current laws. He also spoke to them about future HR assistance. The companies offer the following types of support: an on-site person who comes in periodically, a help desk, or call as needed for an hourly fee. Mr. Austin feels at this time the call as needed option would be sufficient for the Authority.

The Authority currently offers services from Employee Network, Inc. to its employees. ENI offers sexual harassment prevention training and education by a live presenter for a fee. It also offers this training by WebEx for no charge. The Board suggested using the WebEx for the sexual harassment prevention training.

**APPROVE MINUTES OF DECEMBER 11, 2018 MEETING**

A **motion** was made by Mr. Ryan to approve the minutes of December 11, 2018; seconded by Mr. Gerstenberger. The **motion** carried 3-0, 2 absent.

The CPWA's next board meeting is Tuesday, February 5, 2019 at 7pm.

A **motion** was made by Mr. Gerstenberger to adjourn the meeting at 8:12pm; seconded by Mr. Ryan. The **motion** carried 3-0, 2 absent.

Respectfully submitted,

*Sheri Collins*

Recording Secretary

cc: CPWA Board of Directors  
Neil Weiner, Esq.