

CLIFTON PARK WATER AUTHORITY

BOARD MEETING NOTICE

TUESDAY, FEBRUARY 15, 2022

7:00PM

661 CLIFTON PARK CENTER ROAD

CLIFTON PARK, NY 12065

**CLIFTON PARK WATER AUTHORITY
BOARD MEETING**

**Tuesday, February 15, 2022
7:00 PM**

AGENDA

- Approve Minutes of January 18, 2022 Meeting

Privilege of the Floor

Old Business

- Project to Increase Capacity from SCWA
- Verizon Request for Installation of Telecommunications Tower at Boyack WTP
- DISH Network Lease Request
- Professional Services Agreement – Delaware Engineering

New Business

- Amend 2022 Capital Budget

Other Business

- Request for Variance – 6 Round Lake Road

CLIFTON PARK WATER AUTHORITY

BOARD MEETING MINUTES

FEBRUARY 15, 2022

Those present were: Mr. Helmut Gerstenberger, Chairman; Mr. John Ryan, Vice Chairman; Mr. William Butler, Treasurer; Ms. Alexis Osborne, Secretary; Mr. Peter Taubkin, Board Member; Mr. Donald Austin Jr., Administrator; and Mr. James Trainor, Attorney. Absent: Mr. Ronald Marshall, Superintendent.

Mr. Gerstenberger called the meeting to order at 7:02pm.

APPROVE MINUTES OF JANUARY 18, 2022 MEETING

A **motion** was made by Mr. Gerstenberger to approve the minutes of January 18, 2022; seconded by Ms. Osborne. The **motion** carried 5-0.

OLD BUSINESS

PROJECT TO INCREASE CAPACITY FROM SCWA

Mr. Austin is waiting to hear back from EFI regarding the programming work that needs to be completed at the pumpstation.

VERIZON REQUEST FOR INSTALLATION OF TELECOMMUNICATIONS TOWER AT BOYACK WTP

Mr. Ryan and Mr. Gerstenberger recused themselves from this discussion. David Brennan from the law firm of Young Sommer LLC, for Verizon Wireless, was in attendance to answer any questions the Board may have regarding the lease agreement. Mr. Trainor has reviewed the lease and recommends approval of the lease in its current form, which provides for a thirty (30) year agreement, 5 years at a time, with opportunities to cancel for either party if not satisfied. It provides adequate rent and Verizon has proposed an Equipment/Structural Removal Bond of \$75,000 for the first 15 years. This amount will be reviewed at that time to see if it's still adequate for the removal of the communication equipment. There is also a security deposit of three (3) months rent. A **motion** was made by Mr. Butler to approve the resolution regarding the lease of land to Cellco Partnership d/b/a Verizon Wireless to place a telecommunications facility at the Boyack Road Facility (SBL 288.8-1-56); seconded by Mr. Taubkin.

**RESOLUTION #12, 2022 – APPROVAL RESOLUTION REGARDING THE LEASE OF LAND TO
CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS TO PLACE A TELECOMMUNICATIONS
FACILITY AT THE BOYACK ROAD FACILITY (SBL 288.8-1-56)**

WHEREAS, the Board of Directors (the “Board”) of the Clifton Park Water Authority (the “Authority”) seeks to lease a 1,954 s.f. portion of its land to Cellco Partnership d/b/a Verizon Wireless at the Authority’s facility located at 36 Boyack Road (SBL 288.8-1-56); and

WHEREAS, Verizon Wireless seeks to construct a 110 foot tall monopole (114’ when including a four-foot lightning rod) telecommunications facility with base station equipment, utility connections and utilizing an easement over the existing access road; and

WHEREAS, the Board was provided the documentation presented by the applicant, including a proposed Lease Agreement, Lease Exhibit, State Environmental Quality Review Act (“SEQRA”) Full Environmental Assessment Form and a Visual Resource Evaluation regarding this matter for review and comment; and

WHEREAS, on January 18, 2022, the Board conducted the SEQRA review and issued a Negative Declaration.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby approves the Land Lease Agreement with Cellco Partnership d/b/a Verizon Wireless and authorizes and directs the Chairman to execute the required documents to effectuate this Agreement including a Memorandum of Lease;

BE IT FURTHER RESOLVED, subject to the receipt all required permits and approvals, that the Board authorizes the construction of the telecommunications facility.

BE IT FURTHER RESOLVED, the Attorney for the Board and Chairman are authorized and directed to take such further steps and make such required filings as are necessary and appropriate to effectuate this Resolution.

Roll Call Vote:

Mr. Gerstenberger	- Abstain
Mr. Ryan	- Abstain
Mr. Taubkin	- Aye
Mr. Butler	- Aye
Ms. Osborne	- Aye

DISH NETWORK LEASE REQUEST

Mr. Trainor has reviewed the lease and stated that DISH Network is proposing a \$1,500 monthly lease payment with a 2% annual escalator. The lease space area is smaller than any of the other carriers but all of the carriers have a 3% escalator. Mr. Trainor will go back and recommend some changes to the lease agreement.

PROFESSIONAL SERVICES AGREEMENT – DELAWARE ENGINEERING

Mr. Trainor has reviewed the On-Call Professional Engineering Services Agreement with Delaware Engineering, D.P.C. He has had ongoing conversations with Mary Beth Bianconi regarding Part III, Standard Terms and Conditions, specifically number 9. Insurance and number 12. Limitations of Liability. The total amounts are \$1,000,000 per occurrence and \$5,000,000 aggregate. The Board asked Mr. Trainor to go back to Ms. Bianconi to clarify the Standard Terms and Conditions. Mr. Butler also recommended renegotiating Reimbursable Expense, Item #4 Subcontract Management from the proposed cost plus 10% to cost plus 3%-5% maximum. The Board asked Mr. Austin to forward them the CT Male Agreement so they can compare agreements.

NEW BUSINESS

AMEND 2022 CAPITAL BUDGET

A **motion** was made by Mr. Gerstenberger to amend Resolution #21, 2021 to amend the 2022 Capital Budget for Brass Goods and Preserve Well 6 Pitless and Redevelopment; seconded by Mr. Butler.

RESOLUTION #13, 2022 – AMENDING RESOLUTION #21, 2021 AMEND CAPITAL BUDGET FOR BRASS GOODS AND PRESERVE WELL 6 PITLESS AND REDEVELOPMENT

WHEREAS, recent work on Well 6 in the Vischer Ferry Preserve has revealed extensive corrosion to the sealing surfaces of the pitless unit requiring replacement of the unit, and

WHEREAS, the same recent work on Preserve Wells 4 and 6 has revealed a need for a more aggressive redevelopment approach to achieve desired production and water quality results, and

WHEREAS, significant cost increases to brass goods used by the CPWA for installation, repair and replacement of water infrastructure will result in higher overall costs for this line item, and

WHEREAS, the Clifton Park Water Authority Board of Directors passed Resolution #21, 2021 adopting the Capital Budget for 2022, now therefore be it

RESOLVED, that the Clifton Park Water Authority hereby amends the 2022 Capital Budget to increase the line item for Brass Goods from \$21,000 to \$34,000 and add line items for well redevelopment of Preserve Wells 4 and 6 and for the purchase of a new pitless unit for Preserve Well 6 in the amounts of \$32,000 and \$36,000 respectively

Roll Call Vote:

Mr. Gerstenberger	- Aye
Mr. Ryan	- Aye
Mr. Taubkin	- Aye
Mr. Butler	- Aye
Ms. Osborne	- Aye

OTHER BUSINESS

REQUEST FOR VARIANCE – 6 ROUND LAKE ROAD

Mr. Austin presented the Board with a letter he received from Javed Butt of 6 Round Lake Road, Ballston Lake requesting a policy variance. The property is located just off Exit 11. The closest water main is at the intersection of Ruhle Road and Round Lake Road at the old Stewart's Shops store. There is currently a project going on to bring water from that point down the north side of Ruhle Road in front of the old Stewart's to serve the old Sunoco Station which is going to be a Dunkin Donuts. Mr. Austin stated that rather than make him run water main from that point, which will never go any further because the Round Lake water system is on the other side of the Northway, the variance should be considered. The water main would be tapped right before it crosses the road to go to the Dunkin Donuts and a service would be run to the front of his property. Mr. Butt will pay the CPWA for time and materials plus applicable fees for the tapping, service connection, and meter cost. Mr. Austin will prepare a resolution for next month's meeting.

The CPWA's next board meeting is scheduled for Wednesday, March 9, 2022 at 7pm.

A **motion** was made by Mr. Gerstenberger to adjourn the meeting at 8:12pm; seconded by Mr. Ryan. The **motion** carried 5-0.

Respectfully submitted,

Sheri Collins

Recording Secretary

cc: CPWA Board of Directors
Trainor Law PLLC