

CLIFTON PARK WATER AUTHORITY

BOARD MEETING NOTICE

THURSDAY, JUNE 13, 2024

7:00PM

661 CLIFTON PARK CENTER ROAD

CLIFTON PARK, NY 12065

**CLIFTON PARK WATER AUTHORITY
BOARD MEETING**

**Thursday, June 13, 2024
7:00 PM**

AGENDA

- Approve Minutes of May 15, 2024 Meeting

Privilege of the Floor

Note: Each speaker shall state their name and address prior to addressing the Board and shall be granted the floor for a single time frame of up to five minutes for items on the agenda.

Old Business

- Peacock Glen Property
- Mountain View Meadows

New Business

- Transfers and Capital Plan Update
- Lawn Irrigation System Rules and Regulations
- Legal Engagement Agreement

Other Business

- Ballston, Malta and Northwood Water System

Privilege of the Floor

Note: Each speaker shall state their name and address prior to addressing the Board and shall be granted the floor for a single time frame of up to five minutes for any items related to the Clifton Park Water Authority.

CLIFTON PARK WATER AUTHORITY

BOARD MEETING MINUTES

JUNE 13, 2024

Those present were: Mr. Helmut Gerstenberger, Chairman; Mr. John Ryan, Vice Chairman; Mr. Peter Taubkin, Secretary; Mr. William Butler (arrived at 7:13pm), Treasurer; Mr. Chris Wheland, Administrator; Mr. Ronald Marshall, Superintendent; Mr. James Trainor, Attorney; and Councilwoman Agatha Reid, Town of Clifton Park Board Liaison. Absent: Ms. Julia Haig, Board Member.

Mr. Gerstenberger called the meeting to order at 7:03pm.

PRIVILEGE OF THE FLOOR

Craig Monroe of 92 Hubbs Road was in attendance to listen to the lawn and irrigation system rules and regulations discussion.

APPROVE MINUTES OF MAY 15, 2024 MEETING

Mr. Ryan made a **motion** to approve the minutes of the May 15, 2024 board meeting; seconded by Mr. Taubkin. The **motion** carried 3-0, 2 absent.

OLD BUSINESS

PEACOCK GLEN PROPERTY

Councilwoman Reid stated the grant the Town of Clifton Park applied for has been approved at 50% of the purchase price and plan to move forward with the purchase.

MOUNTAIN VIEW MEADOWS

Mr. Wheland stated that he heard the Town of Malta has not approved the expansion of the water supply district to date. The other concern is with the Town of Ballston who believes they need to give approval also since this subdivision would be connecting into the shared 16-inch water line on Eastline Road.

NEW BUSINESS

TRANSFERS AND CAPITAL PLAN UPDATE

There are two adjustments needed for this meeting. One is to the Technical Supplies line. Mr. Wheland ordered a couple of tablets for the field crew as theirs were outdated. He also ordered a laptop for himself as his desktop memory is full and needed to be upgraded. The desktop will be wiped and upgraded and held as a spare unit. The laptop has more memory and is able to operate the GIS system more proficiently than the desktop. It will also allow him to be better prepared for meetings and have information available for off-site meetings. The second adjustment is for a transfer into the Salaries and Wages account to allow for planning a retirement at the end of the year. He has received an application from someone who has a degree in Business Administration. This person will work under the current staff and once the retirement occurs, this employee will be able to handle customer support and operational changes would

not be observed. The Board asked if this position had been posted and Mr. Wheland stated he reached out to the local community colleges for anybody that would be graduating with an economics or business management degree. The Board asked Mr. Wheland to post the position and job description in the Daily Gazette to attract more applicants.

Mr. Gerstenberger made a **motion** to amend the CPWA 2024 Operating Budget; seconded by Mr. Ryan.

RESOLUTION #18, 2024 – AMEND THE CPWA 2024 OPERATING AND CAPITAL BUDGET

WHEREAS, the Clifton Park Water Authority wishes to amend the 2024 Operating and Capital Budgets,

WHEREAS, the current budget is proposed and passed in the fall of the previous year based on best knowledge of upcoming expenses,

WHEREAS, the budget often requires adjustment based on changes in costs and needs for the Authority,

WHEREAS, items on the Capital Budget are completed they shall be closed out to confirm the costs and validate any overages in the budget,

NOW, THEREFORE BE IT

RESOLVED, that the Clifton Park Water Authority Board of Directors hereby amends the 2024 Operating and Capital Budgets as stated in Exhibit A.

Roll Call Vote:

Mr. Gerstenberger	- Aye
Mr. Ryan	- Aye
Mr. Butler	- Aye
Mr. Taubkin	- Aye
Ms. Haig	- Absent

LAWN IRRIGATION SYSTEM RULES AND REGULATIONS

Mr. Wheland has heard many concerns over the installation and inspection of new lawn irrigation systems. Irrigation companies have been coming in on the day of installation to obtain a permit and request an inspection. Although we try to meet their needs, our schedules many times are full and are unable to inspect on the day of. This requires us to set up an appointment with the homeowner after the company has left the job. If the inspection fails, the company must come back and make corrections and we have to go back out to reinspect. This is disruptive to the homeowner, installation company, and the CPWA. By requiring them to contact us 24 hours in advance and be on site for inspection we are able to ensure an inspection of the system and work with the installer while on site to make any minor corrections to pass the system.

The biggest reason for a new system to fail is improper installation of a rain sensor. Rain sensors have been required for many years and irrigation companies seem to be unresponsive as to proper installation. We have seen sensors installed in mulch or areas under eaves where they are not open to the environment. The revision to the regulations requires the sensor to be installed in a manner that is permanent where normal garden maintenance will not disturb the sensor. It also requires the sensor to be open to the environment. The change to include a Wi-Fi enabled weather based smart sensor allows installers to utilize a simple smart sensor attachment to the controller that monitors weather via a weather app, and adjusts watering lawns accordingly.

The current permit fee is \$50 with a reinspection fee of \$25 that is assessed to the homeowner if a reinspection is required. Mr. Wheland would like to change the permit fee to \$100, which is similar to what other water systems charge. The fee would include one reinspection if required. If the system fails a second time a fee of \$50 will be assessed to the homeowner. The homeowner is assessed the fee as it can be added to their water bill, we have limited recourse to charge fees to private companies. The new fee will go into effect September 1, 2024.

Mr. Wheland has been approached by a homeowner requesting a special variance to be able to water their newly seeded lawn every day for 30 days. He explained to the homeowner that compliance with the summer odd/even watering restrictions is to balance system demand and ensure adequate drinking water and fire protection to its customers. The concern internally is trying to monitor who has or doesn't have the special variance. The Board agreed that the odd/even watering restrictions should be upheld and no special variances should be allowed. They may revisit this situation at a later date.

A **motion** was made by Mr. Ryan to amend the lawn irrigation system rules and regulations; seconded by Mr. Taubkin.

RESOLUTION #16, 2024 – AMENDING LAWN IRRIGATION SYSTEM RULES AND REGULATIONS

WHEREAS, the Clifton Park Water Authority (CPWA) passed Resolution #24, 2021, adopting rules and regulations for the installation of underground lawn irrigation systems, and

WHEREAS, the Clifton Park Water Authority wishes to amend these rules and regulations as follows:

Replace Permit, Section (1), (2), (3) with:

- 1. The installer must apply for and obtain a permit from the CPWA for the installation of the system.*
- 2. The installer must pay the applicable permit fee of \$100, effective September 1, 2024.*
- 3. Dig Safely New York must be called by the installer at 811.*

Replace Residential System Installation, Section (5), (10), (11) with:

- 5. All systems must be equipped with a rain sensor or Wi-Fi enabled weather based smart controller capable of preventing the system from running automatically when not needed. Rain sensors must be affixed to a permanent structure in a manner that normal property maintenance doesn't damage or move the sensor. The sensor must also be located in an area open to the natural weather patterns to allow for proper operation of the sensor.*
- 10. All installations must be inspected by CPWA personnel prior to use to ensure compliance with these regulations. Inspections must be scheduled a minimum of 24 hours in advance and the installer must be on site during inspection with access to all components of the sprinkler system.*
- 11. Failed initial inspections are allowed one follow up inspection. If a second failure occurs a reinspection fee of \$50 will be assessed to the homeowner.*

NOW, THEREFORE BE IT

RESOLVED, that the CPWA hereby amends its Lawn Irrigation System Rules and Regulations as described above.

Roll Call Vote:

Mr. Gerstenberger - Aye
Mr. Ryan - Aye
Mr. Butler - Aye
Mr. Taubkin - Aye
Ms. Haig - Absent

LEGAL ENGAGEMENT AGREEMENT

A **motion** was made by Mr. Gerstenberger to approve the Engagement Agreement with Trainor, Pezzulo & DeSanto PLLC; seconded by Mr. Butler.

RESOLUTION# 17, 2024 – APPROVE ENGAGEMENT AGREEMENT WITH TRAINOR, PEZZULO & DESANTO PLLC

RESOLVED, that the Clifton Park Water Authority Board of Directors wishes to enter into an Engagement Agreement, as attached, with Trainor, Pezzulo & DeSanto PLLC and authorizes the CPWA Chairman to execute all necessary documents to implement this agreement.

Roll Call Vote:

Mr. Gerstenberger - Aye
Mr. Ryan - Aye
Mr. Butler - Aye
Mr. Taubkin - Aye
Ms. Haig - Absent

OTHER BUSINESS

BALLSTON, MALTA AND NORTHWOOD WATER SYSTEM

The Town of Malta does not have its own municipal water system. The area in the southern part of Malta is covered by the CPWA. The Northwood Water Company serves the Northwood Development which is located on the north side of Route 67 off Eastline Road. They have PFOA contaminated wells that they need to get off of. Northwood Water Company wanted to build a pumpstation off of the Saratoga County Water Authority (SCWA) line to feed the development. SCWA doesn't want to sell them water because they are a developer. They would only agree to sell water to current customers only and no expansion or development would be allowed. Ballston serves customers off the 16-inch shared water line on eastern side Eastline Road. They have concerns about the additional connections being proposed off this line. There are two more projects in addition to Mountain View Meadows being proposed south of Route 67 off of Eastline Road that would also like to connect to the CPWA. Ballston is currently doing a capital plan upgrade. They would like to come out of their pumpstation at Eastline Road and Route 67 with a separate 16-inch line and come across the top of Ballston Lake and feed Route 50 where there is a lot of development going on. Mr. Wheland would like to see Ballston extend the 16-inch line out of their pumpstation down Eastline to feed the Kelley Farms development on the west side of Eastline. This would give the CPWA the capability of pumping up to 3,000gpm into our system out of our new pumpstation. He would also like to see a 16-inch line going down Route 67 to tie into the water line at Malta Med Emergent Care to have a second connection. Route 67 is zoned commercial/industrial. Mr.

Wheland, Mr. Gerstenberger, Mr. Ryan, and Mr. Taubkin agreed to be a part of sub-committee to continue discussion as this progresses.

Mr. Gerstenberger made a **motion** to move into executive session at 8:16pm to discuss contract negotiations and a personnel issue; seconded by Mr. Ryan. The **motion** carried 4-0, 1 absent.

Mr. Gerstenberger made a **motion** to move out of executive session at 8:53pm; seconded by Mr. Butler. The **motion** carried 4-0, 1 absent.

The CPWA's next board meeting has been scheduled for Wednesday, July 31, 2024 at 7pm.

A **motion** was made by Mr. Gerstenberger to adjourn the meeting at 8:56pm; seconded by Mr. Butler. The **motion** carried 4-0, 1 absent.

Respectfully submitted,

Sheri Collins

Recording Secretary

cc: CPWA Board of Directors
Trainor, Pezzullo & DeSanto LLC

Clifton Park Water Authority

Budget Transfer

Date: 6/7/2024

Acct No	Description	Budget Amount	Increase/Decrease	Revised Budget	Explanation
Operation and Maintenance					
5700-1	Repair and Maintenance	\$ 295,200.00	\$ (25,618.00)	\$ 269,582.00	Able to be reduced due to increase life spane of filters
				\$ -	
			\$ (25,618.00)		
General and Administrative					
7000-1	Salaries and Wages	\$ 385,311.00	\$ 23,618.00	\$ 408,929.00	Adding a temp position in anticipation of retirement
7705-1	Technical Supplies	\$ 2,500.00	\$ 2,000.00	\$ 4,500.00	Tablets for crew, laptop for office
				\$ -	
			\$ 25,618.00		
Overall Budget Change			0.00		

Capital Budget		Budget amount	Amount Spent	Remaining budget	Project update
Closed Y/N					
Y	Brass goods	\$ 40,000.00	\$ 33,061.35	\$ 6,938.65	Purchased
N	Water Meters	\$ 460,000.00		\$ 160,000.00	ongoing for 2024
Y	Color Monitor	\$ 10,000.00	\$ 4,823.22	\$ 5,176.78	Purchased
Y	Chlorine Analyzer	\$ 6,600.00	\$ 6,572.72	\$ 27.28	Purchased
Y	Boyack Filters (2023)	\$ 230,000.00	\$ 270,976.59	\$ (40,976.59)	Project Complete, with more rehab than anticipated
Y	Hydrants	\$ 20,000.00	\$ 18,563.00	\$ 1,437.00	Purchased
Y	Gate and Check Valves	\$ 8,000.00	\$ 5,656.20	\$ 2,343.80	Project Complete
Y	Excavator Trailer	\$ 30,000.00	\$ 29,970.00	\$ 30.00	Purchased
Y	Pickup	\$ 40,000.00	\$ 41,577.40	\$ (1,577.40)	Gas Vehicle, Increase Cap Bud by \$1,577.40 and close
Y	Meter Van	\$ 45,000.00	\$ 48,579.93	\$ (3,579.93)	Gas Vehicle, Increase Cap Bud by \$3,579.93 and close
Y	Well Replacement (2023)	\$ 32,000.00	\$ 37,500.00	\$ (5,500.00)	Scheduling pushed to 2024
Y	SCWA Interconnect	\$ 1,137,173.00	\$ 1,141,945.66	\$ (4,772.66)	Once reimbursed from EFC and CT Male we will close

| |

| \$ (40,453.07) |

James P. Trainor, Esq., Member
Ryan P. Pezzulo, Esq., Member
Diana C. DeSanto, Esq., Member
Kate L. Ernst, Esq., Associate
Elizabeth A. Marcuccio, Esq., CPA, Of Counsel



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2024 Engagement Agreement

This Agreement is between the Clifton Park Water Authority (hereinafter, the “CPWA”), and James P. Trainor, Esq. (hereinafter “Attorney”) and the law firm of Trainor, Pezzulo & DeSanto PLLC (hereinafter, the “Firm”) for the period of July 1, 2024 through June 30, 2028.

The CPWA has appointed Trainor and the law firm to be the attorneys for the CPWA. In this capacity, the Attorney and the Firm will provide the following reoccurring legal services to the CPWA Board: review of agenda materials for Board meetings, preparation of legal documents, communications and conferences with the Administrator and Board members related to agenda items, and attendance of Board meetings.

Additional legal services will be provided related to litigation involving representation of the CPWA or of CPWA officials acting in their official capacity; preparation of applications and regulations; preparation of contracts; real estate conveyances in which the CPWA transfers or acquires real estate or easements; representation of the CPWA in enforcement proceedings and administrative hearings; representation with regard to special districts and capital projects; all Court and Agency proceedings, legal research, legal opinions, application and project reviews, communications, meetings and conferences and such other matters as may be required by or on behalf of the CPWA Board. Expressly excluded from the scope of our engagement will be any bond-related legal work.

Legal services shall be billed hourly on a monthly basis. The hourly rates for professional services rendered to or on behalf of the CPWA which are not reimbursable to the CPWA by another person or entity shall be as follows: \$225.00 per hour for the services of any attorney of the firm and \$125.00 per hour for the separate services of any paralegal or legal assistant of the firm. The regular hourly rates for professional services rendered to or on behalf of the CPWA which are payable by a third party or which are reimbursable to the CPWA by another person or entity, such as for project reviews, shall be as follows: \$350.00 per hour for any attorney of the firm and \$175.00 per hour for the separate services of any paralegal or legal assistant of the firm.

It is understood and agreed that James P. Trainor will be overall in charge of and responsible for the administration of these matters, but specific assignments may be made to another attorney, paralegal or legal assistant of the firm in accordance with the level of service required. It is the policy of the firm to assign a task to the individual most competent to undertake the particular task at the lowest hourly rate. Such assignments will be made at the discretion of the firm.

The Firm shall provide the CPWA with an invoice and voucher (if required) on a monthly basis for payment. Itemized invoices and vouchers for the hourly legal services will be sent on a monthly basis to the Administrator. It is agreed that the invoices and vouchers for legal services are to be paid within 30 days of being submitted to the CPWA.

In addition to the foregoing, the CPWA's responsibilities will include direct payment or reimbursement to the Attorney or the Firm for disbursements advanced on the CPWA's behalf. These disbursements include, but are not necessarily limited to, title searches and insurance, appraisers, professional consultants, court filing fees, recording fees, charges of process servers, necessary travel/lodging expenses, copying costs, publishing and mailing expenses, messenger services, transcripts, printing of appellate briefs and records, outsourced secretarial, stenographic or transcription services and expert or witness fees, as needed.

The Attorney and the law Firm may seek on the CPWA's behalf, depending upon the circumstances of the matter, recovery of the legal fees and disbursements expended by the CPWA. In the event the Attorney or Firm shall be successful in whole or in part recovering monies, the Attorney/Firm shall refund to the CPWA the amount recovered less any outstanding amounts owed to the firm. The Attorney / Firm shall retain a lien on any files for which there remains an unpaid balance.

The CPWA agrees to submit fee disputes, if any, to arbitration pursuant to Part 137 of the Rules of the Chief Administrator of the Courts and agrees that its consent to arbitration of fee disputes is knowing and informed and that it has had the opportunity to have this fee agreement reviewed by independent counsel. You acknowledge that you have read the official written instructions and procedures for Part 137 and that you on behalf of the CPWA agree to resolve fee disputes under this Part. A true copy of Part 137 is available at www.nycourts.gov/admin/feedispute.

In the event fee arbitration is conducted, you and we agree to be bound by the decision of the arbitrator(s) and further agree to waive our respective rights to reject the arbitrator(s) award by commencing an action on the merits (trial de novo) in a Court of Law within 30 days after the arbitrator(s) decision has been mailed. Both you and we understand we are not required to waive our right to seek a trial under Part 137.

Dated: June __, 2024

Clifton Park Water Authority

James P. Trainor, Esq. and
Trainor, Pezzulo & DeSanto PLLC

By: _____

By: _____

Helmut Gerstenberger, Chairman

James P. Trainor, Esq., Member