

**ORANGE COUNTY SEWER DISTRICT NO. 1 ADVISORY COMMITTEE
MINUTES**

**(REMOTELY)
THURSDAY, JUNE 18, 2020
1:30 P.M.**

PRESENT: Peter Tuohy, Chairman,
Michael Amo, Katie Bonelli, Barry J. Cheney, Laurie Tautel, John Vero

ALSO

PRESENT: Leigh J. Benton, Legislator
Thomas Faggione, Legislator
Antoinette Reed, Legislative Counsel
Langdon Chapman, County Attorney
Joseph Mahoney, Senior Assistant County Attorney
Erik Denega, Commissioner, Department of Public Works
Robert Gray, Deputy Commissioner, Department of Public Works/EF&S
Anthony Griffin, Principal Sanitary Engineer, Department of Public Works
Mary Beth Bianconi, Partner/Senior Project Manager, Delaware Engineering, D.P.C.
Gedalye Szegedin, Administrator, Clerk, Village of Kiryas Joel/Town of Palm Tree

Mr. Tuohy called the meeting to order at 1:32 p.m. and asked everyone to stand for the Pledge of Allegiance to the Flag. All committee members were present via teleconference with the exception of Legislator Tautel who called in at 1:34 p.m.

Mr. Chapman stated that the notice of intent to assume lead agency on the project has been circulated and the deadline for anyone to object is tomorrow. The Village of Harriman consents to the Legislature to be lead agency. If nobody objects, the next step is to send a resolution declaring the Legislature's intent to be lead agency. With the committee's permission, they would ask Delaware Engineering to prepare a positive declaration and prepare the long form for SEQRA. They need to come up with a draft scope and they can do that at the same time at the same meeting. That would be the plan over the next month and have this done in the first week in August.

Mr. Tuohy thanked Mr. Chapman and stated that they would take his lead.

Ms. Reed confirmed that this could go to the committees in July and vote on it at the August 6th Legislative Session. She also confirmed that this would be for longevity and expansion.

Mr. Tuohy asked what would be required in the SEQRA and would an environmental impact study (EIS) need to be done.

Mr. Chapman responded that EIS would be decided at another time. He added that he wanted to avoid it, but they should do it. Ms. Bianconi will make the recommendation on that and they will follow her lead since she has a lot of expertise as to what will be in the scoping document.

Ms. Bianconi stated that to get to this point they filled out Part I of the long environmental assessment forms (EAF) which describes the project. They declared their intent to act as lead agency because there are other agencies involved that will have approvals and or might fund the project. Once the 30 day period expires for those agencies to state their consent or not consent

to them declaring lead agency, then the next part would be to fill out Part II which describes what the potential impacts of the project might be, and Part III which describes if they are important or not and require additional evaluation. Once we have a Part III declared they will either recommend a positive declaration which means an EIS would be prepared or a negative declaration which means they can move forward. Since this is an expansion and because they have the SPDES regulatory side of this with the variance, they believe it may indicate that they do an EIS, that is what they will discuss in July at the Physical Services Committee meeting. The scoping document is subject to public review so they will have to establish a process for the public to have input. They would like to get that accomplished so it can be presented to the full Legislature on August 6th. They can establish a public input period in August and conduct public scoping in August and they could adopt a final scoping document at the Physical Services Committee in September and then go before the Legislature on October 1st. The final document will be the response to comments and questions that are asked so they are probably looking at early 2021.

Ms. Bonelli asked if the Legislature is supposed to hold the public hearing which will need to be noticed.

Ms. Bianconi responded that they are not required to have a public hearing on the scoping, but they are required to engage the public in some way. They could be an information session and the draft scoping document will be available on the county website for public review. Once they do the draft EIS, a public hearing is optional, although they recommend it. If they do that it is a formal hearing with notice under SEQRA which is ten days. They would do that probably towards the end of the year.

Ms. Tautel asked once the draft is posted to the website, are they required to put notices in the newspapers and how are people notified.

Ms. Bianconi explained that there is a statutory process that is laid out in the regulations. It makes sense to notice a public hearing just like the other ones the county has for example the county budget public hearing. There is nothing in the law that says a notice needs to be sent to the community although it would be wise to do so as they will need to develop a plan how to do that to ensure everyone who wants to comment has the opportunity to do so.

Mr. Cheney asked when they will decide who is paying for this.

Ms. Bianconi stated that EIS does not deal with finances, it is an environmental document. The SEQRA part does not get into the details of who is going to pay for this or if it will be bonded, that is a separate issue Mr. Chapman can address.

Mr. Chapman replied that they talked to bond counsel about different ways they can finance this, and they are working through different options with them. It is his understanding that the committee wants the payment to come from people who are going to have the growth and he understood that. He and bond counsel are working on that approach. He stressed that if he was wrong someone please let him know.

Mr. Tuohy confirmed that Mr. Chapman was right on target.

Mr. Denega stated that the longevity improvement will apply to the entire district and then they have the expansion that falls into the goal already mentioned.

Mr. Chapman added that the MOODNA Communities would be part of the longevity.

Mr. Cheney asked if a decision needed to be made before they finalize SEQRA or can it wait.

Ms. Bianconi responded that they are technically not in a position to make decisions about this until after SEQRA is done. Once that is done any permit approval or other things associated with the project can happen. SEQRA is the first step then everything else follows along after. A findings statement will need to be in place before there are actions taken. SEQRA says you cannot fund, undertake or approve an action until SEQRA is done. When you talk about who is going to pay for something, it is not actually the funding part of it. The funding part would be for example adopting a bond resolution. That can be done together and they thought they should run on a parallel track.

Ms. Reed asked Mr. Chapman if this follows the same procedure they used with the State Comptroller for Beaver Dam and the rates set there so it would be a separate and independent process establishing the rates that would be set based on this project.

Mr. Chapman responded that he believed it was county law whether they need a separate public hearing or do them together. He was unsure but it will be whatever is required.

Ms. Reed added that when they have the public hearing on the SEQRA, the questions for the local people may not necessarily be the environmental issues, it would be the finances of the project and who is paying for it.

Mr. Cheney asked Mr. Chapman how soon it will be before he hears back from bond counsel so they can proceed.

Mr. Chapman replied that they have not given him a timeline for that answer.

Ms. Reed asked when they would know the actual cost of the project.

Ms. Bianconi stated that they are seeing a large increase in construction costs but for the work Mr. Chapman is doing with bond counsel, they can get an estimate for capital and operation. You will not know what it really costs until you bid out the project.

Mr. Denega mentioned that there are estimates just over \$50 million for the combined project.

Ms. Bianconi confirmed he was correct and added that it was about a 50/50 split between longevity improvements and the cost of expansion. When the project is constructed, since it sounds like they will have two different cost bases for the purpose of charging people, we will be sure to separate the cost so there will be documentation that will state the portion of the cost associated with extending the useful life of the facility.

Mr. Denega mentioned that this was discussed at a capital meeting and this was on the agenda whether it should be listed as one project or two. If they had to split it into two projects they can do that later.

Mr. Tuohy asked Ms. Bianconi when they would be grant ready.

Ms. Bianconi responded that they are close to being grant ready now. You need to have an engineering report, you need to have done SEQRA, you need an agreement with inter-municipalities, they usually include that they went through the State Historic Preservation Office which will be done during the SEQRA process and they need to do a smart growth statement regarding the project. Those are the top five things that are needed to be grant ready. They have a lot of the information already so it can go quickly over a few months.

Mr. Vero asked if there were any mayors or supervisors on the conference call and Mr. Gedalye Szegedin, Administrator, Clerk, Village of Kiryas Joel/Town of Palm Tree announced that he was participating in the call.

Mr. Tuohy asked for an update on the meters.

Mr. Gray advised that the bids were due in on Tuesday.

Mr. Szegedin ask about the financial impact and how it was going to be divided between longevity and improvements and increase of growth. He stated that they are open to an in-depth discussion on the needs and the increase in capacity. That needs to be done first so they know what they are talking about. They will wait for the engineers to come up cost estimates. He added that with the COVID-19, prices have gone up so a new cost estimate would need to be done before that split is accepted by everybody.

Mr. Tuohy stated that Ms. Bianconi and the engineers are taking care of that. As it was stated before, longevity will be by the whole district and they were still working on the expansion which will be determined.

Mr. Szegedin commented that nothing can move forward if the D.E.C. will not agree to increase the SPDES permit from 6 MGD to 9 MGD and they have not heard any updates on what the status was with the DEC.

Mr. Chapman responded that he did not have an answer on that yet because he has not been briefed by the Albany Counsel handing that.

Ms. Bonelli asked when they planned to meet next as an advisory committee.

Mr. Tuohy responded that they could take this to Physical Services in July, there may not be a need for a meeting before that.

Ms. Bonelli explained that the reason she asked was because she found it disheartening that there was only one elected official on the call. There are many municipalities that are involved in this and they were all invited, and they did not participate. They are at an important juncture and we need them to be briefed. She was not sure what to do to get them to attend the meetings.

Mr. Szegedin and Mr. Denega both had trouble joining the meeting so they had to call in using the conference phone call number.

Mr. Vero and Mr. Tuohy both planned to follow up with their municipalities to see if they had difficulty getting on to the conference call.

On the motion of Ms. Tautel, seconded by Mr. Cheney, the meeting adjourned at 2:06 p.m.