



October 1, 2015

CITY OF SARATOGA SPRINGS
City Council Meeting
City Council Room
1:30 PM

7:00 PM

CALL TO ORDER

ROLL CALL

SALUTE TO FLAG

PUBLIC COMMENT PERIOD / 15 MINUTES

PRESENTATION

CONSENT AGENDA

MAYOR'S DEPARTMENT

ACCOUNTS DEPARTMENT

FINANCE DEPARTMENT

PUBLIC WORKS DEPARTMENT

1. Discussion and Vote: Authorization for the Mayor to Sign the Order of Consent for Violations of Article 27 of the Environmental Conservation law

PUBLIC SAFETY DEPARTMENT

SUPERVISORS

ADJOURN



October 1, 2015

CITY OF SARATOGA SPRINGS
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1:30 PM

PRESENT: Joanne Yepsen, Mayor
John Franck, Commissioner of Accounts
Michele Madigan, Commissioner of Finance
Anthony Scirocco, Commissioner of DPW
Christian Mathiesen, Commissioner of DPS

STAFF PRESENT: Joe Ogden, Deputy Mayor
Maire Masterson, Deputy Commissioner, Accounts
Lynn Bachner, Deputy Commissioner, Finance
Eileen Finneran, Deputy Commissioner, DPS

Vincent DeLeonardis

EXCUSED: Tim Cogan, Deputy Commissioner, DPW

Matthew Veitch, Supervisor
Peter Martin, Supervisor

RECORDING OF PROCEEDING

The proceedings of this meeting were taped for the benefit of the secretary. Because the minutes are not a verbatim record of the proceedings, the minutes are not a word-for-word transcript.

CALL TO ORDER

Mayor Yepsen called the meeting to order at 1:35 p.m.

PUBLIC COMMENT

Mayor Yepsen said the public comment period is limited to a total of 15 minutes and individuals are limited to two minutes each.

Mayor Yepsen opened the public comment period at 1:36 p.m.

No one spoke.

Mayor Yepsen closed the public comment period at 1:36 p.m.

PUBLIC WORKS DEPARTMENT

Discussion and Vote: Authorization for the Mayor to Sign the Order on Consent for Violations of Article 27 of the Environmental Conservation Law (15-342)

Commissioner Scirocco explained the City sold approximately .32 acres of City land in the northeast corner of the landfill in 2002. That owner then sold that parcel to another person (Stone) in 2013. Stone submitted plans in 2014 to the City Planning Board to construct a 4-story, 20,000 square foot mixed use building on their land which includes the .32 acres. At that point DPW became aware that the northern edge of the landfill may extend onto Stone's land. DPW hired Crawford & Associates to review available documentation on the closure of the landfill and did some trenching on the Stone's property with their permission. Crawford & Associates determined that municipal waste was deposited onto the Stone's parcel when the landfill was in operation.

Commissioner Scirocco explained the next step was for Crawford & Associates to determine the amounts of household waste on Stone's property; the location of the waste; and the depths of the waste. It was determined that approximately 75% of the .34 acres contained household waste starting at about 7 feet below grade. There is also methane gas being released at the landfill site and the site of the .32 acres which was sold. The levels of methane gas being emitted on Stone's land are in excess of the NYS standards.

Commissioner Scirocco advised Crawford & Associates created the following remediation plan that offered 3 alternative methods for closure:

- Alternative 1 – Site would remain as is with no further remediation work. The DEC has rejected this alternative.
- Alternative 2 – Waste would remain in place and be covered with a low permeability soil cap. The cost to cap this would be \$350,000 - \$500,000 with annual operation (monitoring) and maintenance costs of approximately \$1,360 per year.
- Alternative 3 – Fully restore the site's unrestricted use. The construction and demolition debris that currently exists there would be removed and then the household waste material could be excavated from the site. The cost to remove all waste on the .34 acre parcel ranges from \$801,000 - \$921,000.

The DEC indicated that either Alternative 2 or 3 would be acceptable remediation plans and would meet all current state laws and regulations. The City plans to proceed with alternative 2. Our attorneys have been trying to buy back this piece of land from Stone at the price paid (\$220,000) and reimburse the taxes and mortgage payments Stone has made on the land since the purchase. Stone refused. Our attorneys are looking into commencing eminent domain proceedings to reacquire the property.

Commissioner Scirocco advised the order recognizes the voluntary, affirmative and responsible steps taken by the City to identify and qualify the solid waste on the property. Due to this, the City was assessed a total civil penalty of \$10,000 with \$9,000 being suspended. Therefore, the payable penalty by the City is \$1,000. Once the order is fully executed, the City has 90 days to provide the remediation plan in writing to the DEC.

Thomas Ulasewicz, of Fitzgerald, Morris, Baker, and Firth advised the DEC is anxious to get the consent signed and start the 90 clock. They know this meeting was taking place sometime this week. There is cooperation with the department; the fine has gone from \$8 million dollars to \$1,000. All evidence shows the waste was put on Stone's property by the City.

Mayor Yepsen confirmed if it is essential for the City to buy the property back.

Mr. Ulasewicz advised the City does not have to buy the property back. As far as we know, the owner is going to be co-operative; however, they have not signed the consent.

Commissioner Scirocco stated they have had problems with the co-gen; it has not turned one revolution since he has been here. Apparently the energy to ice concept was good but it didn't work well. That's why they had to do the flare system.

Mr. Ulasewicz stated the highest methane readings are on Stone's property.

Mayor Yepsen asked what the City's responsibility is to take care of the methane problem on Stone's property.

Mr. Ulasewicz stated the City will continue to monitor and work at reducing the methane levels on that property.

Mayor Yepsen confirmed that all the Council is agreeing to today is to comply with the DEC order.

Mr. Ulasewicz stated that is correct.

Commissioner Scirocco moved and Commissioner Madigan seconded to authorize the mayor to sign the Order of Consent for violations of Article 27 of the Environmental Conservation Law.

Ayes - All

ADJOURNMENT

There being no further business, Mayor Yepsen adjourned the meeting at 2:20 p.m.

Respectfully submitted,

Lisa Ribis
Clerk

Approved:
Vote: