



# SARATOGA COUNTY WATER AUTHORITY

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DARREN S. O'CONNOR  
TIMOTHY J. SZCZEPANIAK

## SARATOGA COUNTY WATER AUTHORITY BOARD OF DIRECTORS OFFICIAL MEETING MINUTES THURSDAY, OCTOBER 22, 2020 @ 3:30 P.M.

**PRESENT:** Vice Chair Anita, Treasurer Tim Szczepaniak, Deputy Treasurer Todd Kusnierz, Supervisor Darren O'Connor, Supervisor Phil Barrett and Board Member Art Johnson. Also, Executive Director Ed Hernandez and General Counsel Leah Everhart, Esq. **ABSENT:** Chairman John E. Lawler.

Vice Chair Anita Daly welcomed all to the meeting and inquired if there were any changes, additions or deletions to the September 24, 2020 meeting minutes. **On a motion by Mr. Szczepaniak and a second by Mr. O'Connor the minutes of the September 24, 2020 meeting were adopted. Unanimous.**

Ms. Daly inquired if there were any changes to the September 24, 2020 Audit Committee meeting minutes. **On a motion by Mr. Johnson and a second by Mr. O'Connor the minutes of the September 24, 2020 Audit Committee meeting were adopted. Unanimous.**

### **Reports:**

**Operations:** Mr. Hernandez reported water sales for September were 8.1 mgd and rolling annual average was 6.92 mgd.

**Financials:** Mr. Hernandez read the Administrative Summary as of September 30, 2020. Budgeted water revenues through September 30, 2020 were \$4.75 mil and actual revenues were \$5.7 mil. Budgeted expenses through September 30, 2020 were \$1.56 mil and actual expenses were \$1.25 mil. The next Bond payment is due December 1<sup>st</sup>, 2020 for \$98,875. Cash available for operations after that payment and a Service Fee repayment of \$2 mil to the County was estimated at \$2.17 million.

**Capital Projects:** Mr. Hernandez reported that the Plant Expansion Project was moving along with work continuing on the 1mg Clearwell Tank. Mechanicville is continuing construction of their pipeline connection to the SCWA. Completion is anticipated by the end of the year.

**Legal:** Ms. Everhart discussed the Legal Memo that had been distributed to Board Members. She reviewed the letter from Wilton Water & Sewer's legal counsel regarding some items contained in the new Water Sale Agreement. She discussed in detail each of the bulleted items and asked for the Board's

response to those 11 items. The Board requested that Ms. Everhart give an overview and if any member's had issues with any of those items they could be discussed further. After lengthy discussion on the various topics, Ms. Everhart suggested the agreed upon changes be done in the form of an Addendum to the original Agreement. Ms. Daly requested that Ms. Everhart prepare a response letter and send it to Ed Hernandez and the Board before release.

### **Motions & Resolutions:**

**Motion was made by Mr. Szczepaniak and seconded by Mr. O'Connor to authorize the payment of the monthly vouchers at a cost of \$156,845.28 in operating costs, \$27,277.68 in WTP Plant Expansion costs and \$1,251.00 in Water Tank Project Costs.** Ms. Daly inquired if Treasurer Szczepaniak had reviewed all payments and was amendable to the payments, which he responded he was. **Motion carried unanimously. (2020-0040)**

The next matter was a proposal from Delaware Engineering for the proposed Lagoon addition as part of the Plant Expansion Project. Mr. Hernandez stated he had reviewed the proposal and stated the cost appeared reasonable. He recommended to the Board to proceed in that direction. Ms. Daly inquired if there were other bids. Mr. Hernandez stated this was an amendment to the original bid for the project but that even with the additional costs that their budget was less than the second lowest proposal received on the project. Mr. Szczepaniak inquired about general counsel's opinion. Ms. Everhart stated her understanding was that they were already the Project Engineer, and this was an amendment to that project. Ms. Everhart stated she had no concerns with the Authority's approach and this was for professional services. **Motion was made by Mr. O'Connor and seconded by Mr. Johnson to authorize the contract amendment with Delaware Engineering for engineering services relating to the additional lagoon in the amount of \$259,960. Motion carried unanimously. (2020-0041)**

The next matter was the execution of a Water Sale Agreement with the Town of Ballston. Mr. Szczepaniak inquired if he should recuse himself from voting on this motion. Mr. O'Connor stated that the Board is made up of members who represent the various communities served by the Authority. Ms. Everhart stated that if there is a quorum without Mr. Szczepaniak's vote, then he was allowed to recuse. Mr. Szczepaniak retracted his inquiry and stated he would proceed to vote. **Motion was made by Mr. O'Connor and seconded by Mr. Johnson to authorize execution of the Water Sale Agreement with the Town of Ballston. Motion carried unanimously. (2020-0042)**

The next matter was a proposal from Luther Forest Technology Campus Economic Development Corp. for the sale of a parcel of property that encompassed the tank site and some adjoining land. The proposal for the sale was in the amount of \$200,000. Some board members had visited the site prior to today's meeting and were amenable to the sale. Mr. Hernandez stated he had received a note from the Chairman who stated he was in favor of the sale. Mr. O'Connor concurred. Ms. Everhart inquired if an actual proposal had been presented other than the informal letter provided. **On a motion by Mr. Szczepaniak**

**and a second by Mr. O'Connor to authorize the purchase of the proposed property pending legal counsel and Authority review. Motion carried unanimously. (2020-0043)**

**Motion was made to readopt the SCWA Internal Control Policy as recommended by the Audit Committee by Mr. Kusnierz and seconded by Mr. Barrett. Motion carried unanimously. (2020-0037)**

Chairman Lawler then discussed that the Audit Committee was recommending the Adoption of the SCWA Online Banking Policy upon review and agreement of counsel. **Motion was made by Ms. Daly and seconded by Mr. Johnson to adopt the SCWA Online Banking Policy. Motion carried unanimously. (2020-0038)**

The final matter before the Board was a review of the proposals received for engineering services relating to a Distribution Expansion Study. Mr. O'Connor stated that the Engineering Committee had reviewed all proposals and the fees presented. **On a motion by Mr. Barrett and seconded by Mr. Szczepaniak recommended awarding the contract for engineering services for the Distribution Expansion Study to Environmental Design Partnership in the amount of \$29,080.00. Motion carried unanimously. (2020-0044)**

Mr. Szczepaniak inquired if the Fire Hydrant Protocols had gone out to local fire agencies and the County. Mr. Hernandez stated that the County Emergency Services had distributed it but that we would continue sending it out via Certified Mail. On the question of hydrant liability, Mr. Hernandez stated he had only received a response today from our insurance agent and would be forwarding same to Board members after his review.

The next meeting of the Saratoga County Water Authority Board of Directors was scheduled for Thursday, November 19, 2020 at 3:30 p.m. at the County. Due to the busy nature of the holidays, the December meeting was also scheduled for Thursday, December 17<sup>th</sup> at 3:30 p.m.

**At 4:37 p.m., with no further business, a motion was made by Mr. Barrett and seconded by Mr. Kusnierz to adjourn. Motion carried unanimously.**

**Respectfully Submitted,**

**Carol A. Alden, Confidential Secretary**