



# SARATOGA COUNTY WATER AUTHORITY

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## SARATOGA COUNTY WATER AUTHORITY BOARD OF DIRECTORS OFFICIAL MEETING MINUTES THURSDAY, NOVEMBER 19, 2020 @ 3:30 P.M.

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

Vic Chair Anita Daly welcomed all to the meeting and inquired if there were any changes, additions or deletions to the October 22, 2020 meeting minutes. **On a motion by Mr. Szczepaniak and a second by Mr. O'Connor the minutes of the October 22, 2020 meeting were adopted. Unanimous.**

Ms. Daly inquired if there were any changes to the October 22, 2020 Governance Committee meeting minutes. **On a motion by Mr. Szczepaniak and a second by Mr. O'Connor the minutes of the October 22, 2020 Governance Committee meeting were adopted. Unanimous.**

### **Reports:**

**Operations:** Mr. Hernandez reported water flows for October were 6.67 mgd and a rolling annual average of 7.03 mgd.

**Financials:** Mr. Hernandez read the Administrative Summary as of October 31, 2020. Budgeted water revenues through October 31, 2020 were \$5.28 mil and actual revenues were \$6.68mil. Budgeted expenses through October 31, 2020 were \$1.76 mil and actual expenses were \$1.43 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 \$1.5 million.

**Capital Projects:** Mr. Hernandez discussed the enclosed request from Delaware Engineering for use of \$8,704.53 in allowance funds for Contract 1 work. He explained that the request from W.M. Schultz was to relocate a CIP line and to modify the new recirculation piping. Mr. Hernandez stated this was needed due to inaccurate information found on the record plans. No action was required by the Board at this time.

**Legal:** Ms. Everhart discussed a response from Clifton Park Water Authority regarding renewal of their Water Sale Agreement with SCWA. She indicated that they were requesting to continue with an annual minimum versus a quarterly minimum. Mr. Hernandez stated that Clifton Park was already meeting their quarterly minimums on a regular basis so he did not see why it would be a concern. Ms. Everhart then discussed the “Force Majeure” component of the contract. Discussion ensued regarding what constituted an “injury” to the customer. A suggestion was made by Mr. O’Connor that a specific time period be included to allow for SCWA to resolve any actions required to rectify an interruption in water supply. Ms. Everhart further discussed demands from Clifton Park Water Authority and received Board feedback on each item. The Board requested Ms. Everhart prepare a response and distribute same to the Board before it was released.

**Outreach Committee:**

Mr. O’Connor reported that a considerable amount of time had been spent working with the production company to prepare an outline of what the SCWA was looking for in terms of a production and the population it was targeting. Mr. O’Connor stated that at this time the school age production was the focus and a draft script had been prepared. He requested that all Board members and Authority staff review the script for editing and get those remarks back to him as soon as possible. He stated a target date to begin production would be in June of 2021. He indicated that perhaps the Board could solicit local partners to appear and add their interactions with SCWA to the video production. He requested that the Board take some time to review the enclosed proposal from RPR Studios and to consider an action at the next Board meeting.

**Motions & Resolutions:**

**Motion was made by Mr. Kusnierz and seconded by Mr. Szczepaniak to authorize the payment of the monthly vouchers at a cost of \$154,834.97 in operating costs, \$38,538.91 in WTP Plant Expansion costs and a bond payment of \$98,875.00.** Ms. Daly inquired if Treasurer Szczepaniak had reviewed all payments and was amenable to the payments, which he responded he was. **Motion carried unanimously. (2020-0044)**

The next matter was to authorize the Vice Chair to execute the real estate contract with LFTC EDC for the sale of 32.84 acres in the tech park where the tank site currently sits. A motion was approved at the October meeting to authorize the sale upon review of counsel and the Executive Director. **Motion was made by Mr. O’Connor and seconded by Mr. Kusnierz to authorize the Vice Chair to execute the contract. Motion carried unanimously. (2020-0045)**

Ms. Everhart then indicated that title insurance should be a consideration. She inquired if the Board wished to purchase same. She did not have an exact figure for the cost but indicated she would inform the Executive Director as soon as that was calculated. **A motion was made by Mr. Szczepaniak and**

**seconded by Ms. Daly to authorize the purchase of Title Insurance for the property at 17 Cordero Boulevard in Stillwater, Tax ID#241.-1-3.3. Motion carried unanimously. (2020-0046)**

Mr. Hernandez then requested that the Resolution to Adopt Post Issuance Tax Compliance procedures be tabled for further review by him. He wished to discuss it in further detail with Bond Counsel before proceeding.

**The next matter was a motion to authorize a Service Fee Repayment to Saratoga County in the amount of \$2,000,000 made by Mr. Szczepaniak and seconded by Mr. O'Connor. Motion carried unanimously. (2020-0047)**

The next matter was to review and approve the annual Arbitrage Reports prepared by AMTEC Corporation. Mr. Hernandez stated that there was no rebate liability to bondholders at this time. **Motion was made by Mr. O'Connor and a second by Mr. Kusnierz to accept the Arbitrage Reports from AMTEC Corp. Motion carried unanimously. (2020-0048)**

Ms. Daly reminded all present that the next Board meeting had previously been scheduled for December 17, 2020 at 3:30 p.m.

**At 4:26 p.m., with no further business, a motion was made by Mr. Szczepaniak and seconded by Mr. O'Connor to adjourn. Motion carried unanimously.**

**Respectfully Submitted,**

**Carol A. Alden, Confidential Secretary**