



# SARATOGA COUNTY WATER AUTHORITY

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## SARATOGA COUNTY WATER AUTHORITY BOARD OF DIRECTORS OFFICIAL MEETING MINUTES WEDNESDAY, JUNE 29, 2022 @ 3:30 P.M.

**PRESENT:** Vice-Chairman Robert Wilcox, Treasurer Philip Barrett, Deputy Treasurer Theodore Kusnierz, Supervisor Mark Hammond, Art Johnson, Supervisor Jack Lawler, and Chairman Tim Szczepaniak joined via telephone. Also, Executive Director Ed Hernandez, General Counsel Leah Everhart, Esq., and Justin Grassi, Esq. representing Global Foundries US.

At this time, Vice Chair Robert Wilcox welcomed all to the June 29, 2022 SCWA Board of Director meeting. He addressed Mr. Grassi representing Global Foundries and requested that he provide a brief description of the resolution he had requested to present to the Town of Malta Planning Board to declare Lead Agency status for the Global Foundries 8.2 expansion. An initial motion was made by Supervisor Barrett to declare Global Foundries Lead Agency status for SEQRA, with a second from Supervisor Lawler. Mr. Grassi requested that a formal resolution be read into the minutes and a roll call vote be taken. Mr. Hernandez read the following resolution:

### SARATOGA COUNTY WATER AUTHORITY RESOLUTION #2022-0031

#### RESOLUTION DEFERRING LEAD AGENCY STATUS REGARDING GLOBAL FOUNDRIES FAB 8.2 PROJECT TO THE TOWN OF MALTA PLANNING BOARD

*WHEREAS, Global Foundries has submitted its Concept Site Plan Application to the Town of Malta on or about March 21, 2022; and*

*WHEREAS, a joint Planning Board meeting was held on April 26, 2022, that included the Town of Malta Planning Board and the Town of Stillwater Planning Board, for the presentation of concept plans for Global Foundries Fab 8.2, and the SEQRA aspects of the project were presented and discussed; and*

*WHEREAS, the Malta Planning Board, at its April 26, 2022, meeting declared it intent to serve as Lead Agency for the coordinated SEQRA; and*

*NOW, therefore, be it*

*RESOLVED, that the Saratoga County Water Authority defers Lead Agency Status to the Town of Malta Planning Board for the coordinated SEQRA review of Global Foundries FAB 8.2 Site Plan Application.*

**A motion by John E. Lawler, seconded by Arthur Johnson, to adopt this Resolution.**

A roll call vote was taken on this Resolution as follows:

Supervisor Barrett	-	Yes
Supervisor Hammond	-	Yes
Arthur Johnson	-	Yes
Supervisor Kusnierz	-	Yes
Supervisor Lawler	-	Yes
Robert Wilcox	-	Yes
Tim Szczepaniak	-	Yes

**This Resolution was adopted at a meeting of the Saratoga County Water Authority duly conducted on June 29, 2022.**

Vice-Chairman Wilcox inquired if there were any changes, additions or deletions to the May 25, 2022, meeting minutes. **On a motion by Supervisor Hammond and a second by Supervisor Barrett the minutes of the May 25, 2022, meeting was adopted. Unanimous. (2022-0032)**

**Reports:**

**Operations:** Mr. Hernandez reported water flows for May were 8.521 mgd and the rolling annual average was 7.2 mgd.

**Financials:** Mr. Hernandez reviewed the Administrative Summary as of May 31, 2022. Budgeted water revenues through May 31, 2022, were \$3.08 mil. Actual revenues through May 31, 2022, were \$2.9 mil. Budgeted expenses through May 31, 2022, were \$1.02 mil and actual expenses were \$904k. The next Debt Service payment is due September 1<sup>st</sup>, 2022, for \$1.35 mil. Cash available for operations after that payment was estimated at \$931k.

**Capital Projects:** Mr. Hernandez stated that construction of the Lagoon Project was completed. He stated there were still some minor punch list items being worked out with Schultz Construction for the WTP Expansion project. Mr. Hernandez requested that the Board consider approval of the following Change Orders relating to the project:

Jersen Construction – Change Order #1 – Reduce the contract by \$152,677.00  
W.M. Schultz – Change Order #3 – Reduce the contract by \$67,461.28  
Amaha Electrical – Change Order #1 – Reduce the Allowance value by \$9,940.00.

**On a motion by Supervisor Kusnierz and a second by Mr. Johnson, the outlined Change Orders were approved. Motion carried unanimously. (2022-0033)** There was no new activity on the Booster Station project, but Mr. Szczepaniak stated he had reached out to a property owner and was requesting that Mr. Hernandez join him at that meeting. Mr. Hernandez stated there was also no new updates on the second tank project at Luther Forest.

**Legal:**

Ms. Everhart reported that after a lengthy review process with representatives of Global Foundries, the Water Sale Agreement Addendum was in a form acceptable to both parties. Ms. Everhart outlined a few of the items that were alterations to the original Agreement, as well as some additional language regarding future capital improvements that may be necessitated by Fab 8.2. **On a motion by Supervisor Hammond and a second by Supervisor Barrett, the Board approved the Draft Addendum and authorized the Chairman to execute the Addendum to the Water Sale Agreement with Global Foundries in a form acceptable to counsel. Motion carried unanimously. (2022-0034)**

**Motions & Resolutions:**

**Motion was made by Supervisor Barrett and seconded by Supervisor Kusnierz to authorize the payment of the monthly vouchers at a cost of \$166,074.40 in operating costs and \$118,358.54 in WTP Plant Expansion costs. Supervisor Barrett stated he had no issues with any vouchers this month. Motion carried unanimously. (2022-0035)**

At this time, Mr. Hernandez stated he had been approached to provide operating services for the proposed Maltaville Water System in Malta. Supervisor Hammond provided a brief history of the attempts by the Town of Malta to provide potable water to the residents of that area. Mr. Hernandez expressed his concerns with using existing staff and the oversight involved.

**Old Business:**

Mr. Szczepaniak stated he had a tentative meeting set up with a homeowner in the area that was designated as ideal for the proposed pump station. He indicated that either he or his mother's adjacent property may be available. Mr. Szczepaniak stated he would report back to the Board next month on his progress.

Ms. Everhart reported that there was no new update on the Northwood Water Company contract other than it was under attorney review by counsel for Northwood.

**New Business:**

At this time, Supervisor Lawler wished to make the Board aware of a legal action brought by the SEC against certain parties that currently do business with the Water Authority. He provided a copy of that action to counsel and requested a review and summary be provided to the Board in the event any action should be required by the Board.

Vice-Chairman Wilcox stated the next Board meeting was scheduled for July 27th, 2022, at 3:30 p.m. in Ballston Spa.

**At 4:12 p.m., with no further business, a motion was made by Supervisor Kusnierz and seconded by Supervisor Hammond to adjourn. Motion carried unanimously.**

**Respectfully Submitted,**

**Carol A. Alden  
Confidential Secretary**