

**FIRST ADDENDUM
TO THE AGREEMENT BETWEEN
THE SARATOGA COUNTY WATER AUTHORITY
AND
THE TOWN OF HALFMOON**

This Addendum is entered into by the Saratoga County Water Authority, a public benefit corporation having its principal office and place of business at 260 Butler Road Gansevoort, NY 12831 (SCWA), and the Town of Halfmoon, a municipal corporation having its principal office and place of business at 2 Halfmoon Town Plaza, Clifton Park, NY 12065 (Town).

WHEREAS, SCWA and the Town entered into a Water Sale Agreement on or about April 27, 2017; and

WHEREAS, pursuant to that Agreement, the Town has an obligation to purchase 1,000,000 gallons per day (gpd) of water as calculated by measuring the mean average water purchase on a quarterly basis; and

WHEREAS, neither the Town nor SCWA wishes to modify the Town's total yearly purchase obligation (calculated based on 1,000,000 gpd average), however the Town has noted that it requires less water during colder months and more during warmer months and, as such, has requested that its obligations during the first and fourth quarters of each year be reduced; and

WHEREAS, SCWA is in agreement.

NOW, THEREFORE, UPON VALUABLE CONSIDERATION, THE RECEIPT AND SUFFICIENCY OF WHICH IS HEREBY ACKNOWLEDGED, THE PARTIES AGREE AS FOLLOWS:

1. The parties hereby agree to amend their 2017 Agreement by replacing subparagraphs 1(A) and 1(B) of the 2017 Agreement with the following

A. Subject to the terms and conditions hereof, the Town agrees to purchase a minimum of 1,000,000 gallons per day (gpd) of potable water from SCWA during the second and third quarters of each year and a minimum of 800,000 gpd during the first and fourth quarters of each year, provided SCWA is able to provide such volume of potable water.

B. Water volume shall be measured in accordance with the provisions set forth at Paragraph 6 of this Agreement and shall be calculated by measuring the mean average based on a quarterly basis.

C. In addition, and despite the reduction in the minimum purchase obligation during the first and fourth quarters, the Town's yearly minimum purchase obligation shall be calculated based on an average of 1,000,000 gpd. Adjustments will be made to fourth quarter billing to reflect the Town's obligation to pay the greater of 1) the yearly minimum purchase obligation of 1,000,000 gpd multiplied by the number of days in such year or 2) the actual volume of water received.

2. All other terms of the Agreement not specifically changed or amended by this First Addendum shall remain in full force and effect.

IN WITNESS WHEREOF, each party, having first been duly authorized by their respective Boards, has caused this First Addendum to be executed on the date indicated.

SARATOGA COUNTY WATER AUTHORITY

By: _____
Timothy Szczepaniak, Chairman Date

TOWN OF HALFMOON

By: _____
Date