

Members Attending: T. Anderson, S. Beardsley, J. Deming, E. Gott

Excused: P. Brooks, M. McKeown, T. Saunders

Absent:

Others attending: M. Baines (Executive Director), M. Kosakowski (Director of Operations), R. Lewis (Principal Account Clerk), B. Harris (Account Clerk/Typist), E. Wies (Clark Patterson Lee), J. Campbell (Kruk & Campbell, P.C.), D. Livingston

Call to Order – With a quorum present, Chairman T. Anderson called the meeting to order at 8:04 am.

Approval of Agenda

Motion: *S. Beardsley moved and J. Deming seconded to approve the agenda as presented. Carried unanimously.*

Approval of Minutes – April 24, 2019 Regular Board Meeting

Motion: *E. Gott moved and S. Beardsley seconded to approve regular board meeting minutes dated April 24, 2019. Carried unanimously.*

Privilege of the Floor

T. Anderson granted privilege of the floor to David Livingston (5950 West Lake Road, Conesus NY 14435), executor of the estate for Phil Livingston Sr (father). D. Livingston noted that he was attending the Board meeting as there was an item on the agenda relating to the Purchase and Sale Contract that was executed between his father and LCWSA for the parcel on Maple Beach Road, where the new DOCCS pumping station was constructed. D. Livingston indicated that he believed that LCWSA had not fulfilled its obligations under the contract as it relates to providing certain physical improvements (several new water services to various Livingston owned properties, additional stone and paving of existing driveway, and construction of a berm adjacent to the pumping station) and other benefits (free water and sewer service to various properties owned by the Livingston family).

D. Livingston stated that his brother Phil Livingston, Jr. had met with LCWSA staff recently and was informed that he would be required to pay the necessary permit fees to obtain water meters for those properties where new water services had been installed. M. Baines clarified that at this meeting, LCWSA staff reviewed the Purchase and Sale Contract with P. Livingston Jr. line by line to verify that all items to be provided as part of the contract had been completed. Although the contract references that LCWSA will provide various long side and short side water services, it does not specify that the water meters were to be included. D. Livingston stated that as part of the property negotiations, it was their impression that all appurtenances (including water meters) would be provided to allow them to complete water hook-ups at these properties. During the meeting with LCWSA staff, P. Livingston Jr. also indicated that the paving of the driveway was less than the dimensions noted in the contract.

D. Livingston also noted that the final layout of the pumping station was different than the drawing that was presented initially – the generator was supposed to be located in the building and it is now located outside; and the landscaping is insufficient to shield the view of the generator. J. Campbell clarified that the Contract did not include any specific requirements regarding the building layout or any particular screening or buffering of the property.

In terms of the timing of providing free water and sewer service to various Livingston owned properties, D. Livingston stated that he had repeatedly contacted LCWSA to have this implemented but this has not yet been done. M. Baines clarified that the Purchase and Sale Contract stated that this would be put in effect “upon completion” of the DOCCS water project. Contractors are still in the field addressing remaining items on the Project, so the project is not yet 100% complete.

J. Campbell requested that D. Livingston specify those items that he is looking for the Board to consider at this time. D. Livingston indicated that he is requesting: all appurtenances (including water meters) to complete water service hook-ups at the two properties noted in the Purchase and Sale contract, that the driveway paving dimensions match those stated in the Purchase and Sale contract, and that LCWSA complete additional landscaping to shield the view of the generator.

T. Anderson thanked D. Livingston for attending the Board meeting and conveying his concerns, and indicated that the Board would re-visit this discussion in further detail later in the meeting.

D. Livingston departed the meeting at 8:40 am.

Financial report: R. Lewis reviewed the Financial report with the Board (on file with Secretary). R. Lewis noted that the Groveland Station Water Supply Study and Groveland Station WWTP Disinfection Study, which were authorized as new capital projects at the April 24, 2019 Board meeting have now been added to “Work-in-Progress” (WIP) report.

Motion: J. Deming moved and E. Gott seconded to approve the Financial Report. Carried unanimously.

Bills: R. Lewis reviewed the monthly bills.

Motion: S. Beardsley moved and E. Gott seconded to approve paying Total Operating & Projects expenditures of \$330,204.15 as follows: Operating Expenditures in an amount not to exceed \$84,602.07; Project Expenditures in an amount not to exceed \$48,214.30; Lakeville WWTP Upgrades Project expenditures in an amount not to exceed \$197,387.78. Carried unanimously.

Motion: J. Deming moved and S. Beardsley seconded to approve paying the bills for Utilities & Miscellaneous expenditures in an amount not to exceed \$127,849.48. Carried unanimously.

Operations and Capital Report

M. Kosakowski reviewed the Operations and Capital Reports with the Board (on file with Secretary). The following items were further discussed by the Board:

- **Emergency Sewer Repair at Pumping Station 4W**

M. Kosakowski informed the Board that on Friday, May 17, 2019, as part of the weekly inspections of the pumping stations around Conesus Lake, LCWSA staff discovered a leak in the 6” sanitary force main located outside of Pumping Station 4W. The emergency repair was completed by Morsch Pipeline (one of the approved contractors for 2019 for water/sewer repairs for LCWSA), and took approximately 6 hours. It appears that the cause of the leak was a stress break in the pipe (due to freezing and thawing).

- **Lakeville WWTP Upgrades Project – Disposal of Existing Generator**

M. Kosakowski and M. Baines noted that as part of the upgrades project, a new, larger generator has been installed at the plant and LCWSA no longer has a need for the existing generator, which is housed in its own building on site. LCWSA’s existing disposition policy provides for several methods to dispose of the generator, including: offer for sale to other municipalities, advertise in designated

newspapers and obtain sealed bids, or sell through a public auction. The Board recommended that LCWSA staff contact a representative from Teitsworth Inc. and inquire about having an appraisal completed of the generator. Prior to taking any further action, the Board will need to declare the generator surplus and authorize its disposal.

Motion: S. Beardsley moved and J. Deming seconded to declare the existing 200kW generator manufactured by DDC/MTU surplus equipment, and authorize the Executive Director to dispose of the generator in accordance with Section 24 of the LCWSA’s Purchasing and Disposition Policy (F20-000). Carried unanimously.

Other Business

DOCCS Water Supply Project – Purchase and Sale Contracts (Barber, Livingston)

J. Campbell acknowledged that both Purchase and Sale Contracts (Livingston – Maple Beach Rd Pumping Station Site, Barber – Dennison Road Tank Site) are somewhat ambiguous in terms of what items were to be provided as part of the “water service taps”, but he believes the intent at the time was that the water meters were to be provided to allow for the completion of the water hook-ups. The Board had a lengthy discussion regarding the other concerns that D. Livingston brought up at the meeting. The Board agreed to address D. Livingston’s concerns as follows:

Motion: E. Gott moved and J. Deming seconded to authorize J. Campbell to send an email to D. Livingston stating the following:

- 1. LCWSA will provide free of charge, 2 water meters with the necessary pressure reducing valves, back-flow preventers and shut-off valves. This should be all the equipment necessary to complete connection to the system. LCWSA will not be responsible for any installation or other costs associated with the same;***
- 2. LCWSA will verify, through its engineer, whether the agreed upon amount of paving was completed. If not, the LCWSA will require the contractor that provided such work to complete the paving to the specifications in the contract as soon as practical, but in no event later than the end of the 2019 paving season (which is typically in the late fall); and***
- 3. The free water and sewer service referenced in section 2. (D) 3. And 4. of the contract shall commence effective May 1, 2019, even though completion of the DOCCS project has not yet occurred. The most recent charges for those accounts will be the last so long as the usage does not exceed the parameters set forth in the Purchase and Sale Contract and the properties remain owned by descendants of your late father.***

Carried unanimously.

Motion: E. Gott moved and J. Deming seconded to notify the Barbers that water meters and appurtenances shall be provided at no cost for all water service taps that were included in their Purchase and Sale Contract. (Items 2 and 3 above are not applicable to the Barber contract). Carried unanimously.

Conesus Lake Association (CLA) Weather Station

M. Baines informed the Board that the CLA was in the process of installing weather stations around Conesus Lake. They have submitted a request to install weather station equipment including a wi-fi repeater and antenna on LCWSA sewage pumping 1E, located at the south end of the lake. The CLA has already negotiated with a private property owner in the vicinity of the pump station to utilize their internet connection. The Board reviewed information provided by CLA regarding the specific equipment to be installed, and correspondence indicating that the equipment to be installed should not interfere with LCWSA’s existing telemetry/SCADA equipment. The Board consensus was that the information being collected at these weather stations is of benefit

to the community, including LCWSA, and therefore the Board is in favor of approving this request subject to the development of a license agreement between LCWSA and CLA.

Motion: S. Beardsley moved and J. Deming seconded to approve the CLA request to install weather station equipment at PS 1E, and to authorize J. Campbell to draft a License Agreement between LCWSA and CLA related to the installation, operation and maintenance of this equipment.

Lakeville Wastewater Treatment Plant (SPDES NY0032328) – Consent Order Update

E. Wies provided a status update on the preparation on the Infiltration and Inflow Evaluation Report that is due to the DEC at the end of May 2019. In accordance with the Consent Order, the DEC is looking for a report that will contain at the least the following items:

a map of the collection system; rainfall monitoring data; groundwater monitoring data (if it is available); results of any metering performed (where and when); analysis and results of any video inspections, smoke testing; previous three years of system inspections and analysis; how cross connections for roof drains, sump pumps and other sources of stormwater will be discovered, documented and disconnected; an estimation in the reduction in flow received at the Facility due to these measures; a three-year schedule of projects expected to be completed, including a budget.

E. Wies anticipates that recommendations in the report will include continued flow monitoring of the system, the formal development of a private property inspection/disconnect program, a more consistent/standardized method of manhole inspections, and an improved method of analyzing pump station run time/flow data. A budget will be difficult to develop at this time, as the majority of the work will likely revolve around information obtained through the private property inspection/disconnect program.

J. Campbell reviewed the “track change” version of the draft Sewer Use Rules & Regulations with the Board. As part of the Compliance Schedule, a draft of the regulations is due to the DEC at the end of May 2019. J. Campbell reminded the Board that the original template (i.e. model sewer use law) was provided by the DEC. As the LCWSA is not a municipality and cannot adopt laws/ordinances, the LCWSA will need to be able to enforce its Regulations with the same force and effect as if they were laws. At this time, it appears that the best method of accomplishing this is through the development of an Intermunicipal Agreement with each municipality located within LCWSA’s overall sewer service area. J. Campbell reviewed a draft Intermunicipal Agreement (w/ Town of Livonia, listed as the sample municipality) with the Board. There were no major comments from the Board on the draft Sewer Use Rules & Regulations or the draft Intermunicipal Agreement. As these documents are being submitted to DEC in draft form, no action taken by the Board.

Communications

The following item(s) were provided to Board members for informational purposes. No action taken.

- “Town of Warwick, Water and Sewer Fund Financial Condition” Audit Report by Office of NYS Comptroller (April 2019)

Adjourn: Motion: S. Beardsley moved and E. Gott seconded to adjourn the Board meeting at 10:17 am. Carried unanimously.