

Members Attending: M. McKeown, S. Beardsley, E. Gott, D. Fanaro

Excused: T. Anderson, T. Saunders

Absent:

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

Call to Order – With a quorum present, Chairman M. McKeown called the meeting to order at 8:00 am.

Approval of Agenda

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

Approval of Minutes – July 22, 2020 Regular Board Meeting

Motion: *S. Beardsley moved and D. Fanaro seconded to approve regular board meeting minutes dated July 22, 2020. Carried unanimously.*

Privilege of the Floor – New Board Member (David Fanaro)

Chairman M. McKeown welcomed new Board member David Fanaro, who has been appointed by the County Board of Supervisors to fill the unexpired term (to 12/31/20) of Jerry Deming. M. Baines noted that J. Deming previously served on the Governance Committee, and it is recommended that D. Fanaro fill this vacancy.

Motion: *E. Gott moved and S. Beardsley seconded to approve the appointment of David Fanaro to the Governance Committee. Carried unanimously.*

Financial Report: With no quorum present at the August 26, 2020 Board Meeting, R. Lewis reviewed both the July 2020 and August 2020 Financial Reports with the Board (on file with Secretary). R. Lewis briefly updated the Board regarding this year’s projected re-levy amount, and indicated that it appeared to be consistent with prior years (~\$250,000 for LCWSA customers). Bonadio & Co., LLP, will be on-site in mid-October to conduct their first “quarterly review/check”. LCWSA staff have begun identifying alternate billing software programs currently being used by other municipalities, authorities, etc. for water/sewer billing, that could replace the current program being used by LCWSA.

Motion: *E. Gott moved and S. Beardsley seconded to approve the July 2020 Financial Report. Carried unanimously.*

Motion: *S. Beardsley moved and E. Gott seconded to approve the August 2020 Financial Report. Carried unanimously.*

Other item(s) discussed under the financial portion of the meeting:

- **2020-2021 Insurance Renewal**

R. Lewis and M. Baines reviewed the 2020-2021 insurance premiums with the Board, and noted that there were no major changes in coverage and only a few minor increases in certain policies. Overall, the 2020-2021 insurance premiums (excluding flood policies) total \$91,822.74. This represents a 4.6%

increase from the actual premiums paid in 2019-2020 (excluding flood policies), or a 3.7% increase as compared to the annualized cost of the 2019-2020 premiums (excluding flood policies).

- **LCWSA Acct 11546 (3593 Pebble Beach Road, Lakeville, New York 14480)**

The Board reviewed a letter from the property owner requesting that late penalties be removed from the above referenced account. The letter stated that “unintentional oversight on our part has led to us falling behind on payment of our water and sewer utility bills”. LCWSA staff confirmed that they had communicated to the property owner that per LCWSA policies/procedures, penalties could not be forgiven. The Board agreed that removal of penalties in this situation would be inconsistent with LCWSA’s policies/procedures, and therefore there will be no adjustments to the charges on the account.

- **Constellation Energy – Renewal of Electricity Supply Agreement**

R. Lewis and M. Baines reminded the Board that the 2-year agreement with Constellation Energy through the Municipal Electric & Gas Alliance (MEGA) Program will be expiring in December 2020. LCWSA’s current rate is \$0.04346/kWh. Jim Reale, Constellation Energy representative, has provided the following new rates for the Board’s consideration:

New Fixed Rates – Starting Dec 2020

12 Months = \$0.04157/kWh

24 Months = \$0.04073/kWh

36 Months = \$0.04058/kWh

The Board discussed the various contract terms and corresponding rates, and the consensus was to proceed with the 36-month contract term.

Motion: D. Fanaro moved and S. Beardsley seconded to approve renewing the electricity supply contract with Constellation Energy for 36 months at a fixed price of \$0.04058/kWh, and to authorize the Executive Director to sign the required documents, subject to review by the LCWSA attorney. Carried unanimously.

- **2021 Draft Budget Workshop/Meeting**

R. Lewis requested that Board members check their availability to meet to review the 2021 Draft Budget either Wednesday, October 7, 2020 or Wednesday, October 14, 2020.

Motion: S. Beardsley moved and E. Gott seconded to schedule a special meeting on Wednesday, October 7, 2020 at 8:00 am at the Watershed Education Center, 5828 Big Tree Road, Lakeville NY 14480, to review the 2021 Draft Budget and any other matters, and to direct LCWSA staff to provide the required public notice of such meeting. Carried unanimously.

Approval of Bills: R. Lewis reviewed both the August 2020 and September 2020 monthly bills.

AUGUST 2020 BILLS

Motion: S. Beardsley moved and D. Fanaro seconded to approve paying Total Operating & Projects Expenditures in an amount not to exceed \$276,940.76. Carried unanimously.

Motion: S. Beardsley moved and E. Gott seconded to approve paying the bills for Total Utilities & Miscellaneous expenditures in an amount not to exceed \$217,465.50. Carried unanimously.

SEPTEMBER 2020 BILLS

Motion: E. Gott moved and D. Fanaro seconded to approve paying Total Operating & Projects Expenditures in an amount not to exceed \$244,179.89. Carried unanimously.

Motion: S. Beardsley moved and E. Gott seconded to approve paying the bills for Total Utilities & Miscellaneous expenditures in an amount not to exceed \$133,067.51. Carried unanimously.

Operations and Capital Report

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

- **Declaring Certain Equipment Surplus (2016 Dodge Ram 2500 Pickup Truck, 2017 Ford F250 Pickup Truck w/plow)**

M. Kosakowski noted that the 2020 Capital Equipment List included the purchase of two (2) new pickup trucks. Purchase orders have now been placed for both trucks, and therefore the two (2) existing vehicles will need to be declared surplus prior to disposing of them. The Board reviewed the following draft resolution:

**RESOLUTION NO. 2020-16 DECLARING CERTAIN EQUIPMENT AS SURPLUS
PROPERTY: 2016 DODGE RAM 2500 PICKUP TRUCK, 2017 FORD F250 PICKUP TRUCK
W/ PLOW**

WHEREAS, in accordance with Section 24 of the Livingston County Water & Sewer Authority (LCWSA)'s Purchasing and Disposition Policy (F20-000), the LCWSA Board hereby declares the following equipment as surplus:

Year	Description	Serial No/VIN #
2016	Dodge Ram 2500	3C6TR5HT2GG379448
2017	Ford F 250 w/ Plow	1FT7X2B63HED80389

NOW, THEREFORE BE IT RESOLVED, that the LCWSA Board hereby authorizes the Director of Operations to dispose of the above equipment in accordance with the following approved disposal methods:

1. Offered for sale to other municipalities; or
2. Advertised in designated newspapers in the form of a legal notice listing the items for sale. Sealed bids will then be received; or
3. Sold through a public auction.

Motion: E. Gott moved and D. Fanaro seconded to approve Resolution No. 2020-16 Declaring Certain Equipment as Surplus Property: 2016 Dodge Ram 2500 Pickup Truck, 2017 Ford F250 Pickup Truck w/plow. Carried unanimously.

Other Business

Lakeville WWTP Upgrades (NYSEFC Project No C8-4449-05-00) – Phase 2

M. Baines noted that in order for EFC to amend the Project Finance Agreement to increase the overall project loan amount from , this will require submittal of various amended/updated documents. The Board reviewed the following documents:

- Amended Engineering Report, entitled “Amendment No. 1 to the Lakeville Wastewater Treatment Plant TMDL Planning Study for the Livingston County Water & Sewer Authority” (dated August 2020) (on file with Secretary)

Motion: E. Gott moved and D. Fanaro seconded to approve the amended engineering report, entitled “Amendment No. 1 to the Lakeville Wastewater Treatment Plant TMDL Planning Study for the Livingston County Water & Sewer Authority” (dated August 2020). Carried unanimously.

- Amended SEQR Resolution - **RESOLUTION NO. 2020-17 SEQRA REVISION NOTICE DETERMINATION OF SIGNIFICANCE FOR: LAKEVILLE WWTP UPGRADES (CWSRF PROJECT NO. C8-6449-05-00)** (on file with Secretary)

Motion: E. Gott moved and D. Fanaro seconded to approve Resolution No. 2020-17 approving SEQRA Revision Notice Determination of Significance for: Lakeville WWTP Upgrades (CWSRF Project No. C8-6449-05-00). Carried unanimously.

- Amended Bond Resolution, entitled “Livingston County Water and Sewer Authority, Eighth Supplemental Resolution Authorizing \$7,707,606 E.F.C Clean Water Facility Note – 2020” (dated as of September 23, 2020) (on file with Secretary)

Motion: E. Gott moved and D. Fanaro seconded to approve “Livingston County Water and Sewer Authority, Eighth Supplemental Resolution Authorizing \$7,707,606 E.F.C Clean Water Facility Note – 2020” (dated as of September 23, 2020). Carried unanimously.

- Engineering Amendment No. 3 – The proposed increase in engineering fees of \$458,771.75 represents the additional cost for construction phase services associated with the UV disinfection system and design and construction phase services associated with the expanded Phase 2 scope. The Board reviewed the proposed fee and felt it was a reasonable representation of the level of effort needed to complete the scope of services.

Motion: E. Gott moved and D. Fanaro seconded to approve Engineering Amendment No. 3 to CPL’s existing agreement for the Lakeville WWTP Upgrades Project, which increases the engineering fee by \$458,771.75, to cover construction phase services associated with the UV disinfection system and design and construction phase services associated with the expanded Phase 2 scope. Carried unanimously.

Town of Geneseo – Existing Intermunicipal Services Agreement (Water Billing/Collection Services), Revised Scope & Fee – Discussion

M. Baines updated the Board that LCWSA staff has been in discussion with the Town of Geneseo regarding potential modifications to the existing agreement, which could include direct purchase of meters and meter reading for the Town’s new Water District No. 6, and the potential sharing of existing Sensus equipment. LCWSA staff is still awaiting a response from the Town but will add to the October 28, 2020 Board Meeting Agenda for further discussion.

Town of Lima - Existing Intermunicipal Services Agreement (Water Billing/Collection Services/Sharing of Meter Equipment) – Revised Scope & Fee – Discussion

M. Baines and R. Lewis updated the Board that they had recently met with the Town Supervisor and discussed expanding the scope of the agreement to include meter reading of the Town’s water districts, now that the Town had completed their meter replacement project with meters that were purchased directly from LCWSA, which are therefore compatible with LCWSA’s drive-by/automatic meter reading (AMR) equipment. In order to cover the costs to provide this additional service, it is recommended that the annual fee be increased from \$3,000 to \$4,000 (\$750/quarter → \$1,000/quarter).

Motion: E. Gott moved and S. Beardsley seconded to modify the existing Intermunicipal Services Agreement with the Town of Lima, to include meter reading responsibilities and increase the annual fee from \$3,000 to \$4,000. Carried unanimously.

2020 CIP – South Livonia Water Services Project, Engineering Amendment (Additional Inspection) – Review & Approval

The Board reviewed a letter prepared by CPL, and dated September 18, 2020, which requests an increase in the construction inspection budget from \$12,800 to \$19,400 (on file with Secretary). The primary reason for the increase in hours is due to an expanded scope of work during construction.

Motion: E. Gott moved and D. Fanaro seconded to approve Engineering Amendment No. 1 to CPL’s existing agreement for the South Livonia Water Services Project, which increases the engineering fee by \$6,400, to cover additional inspection phase services. Carried unanimously.

LCWSA Staffing - Building Maintenance Person (Status: Seasonal) – Authorize to Fill One (1) Position & Establish Salary

M. Baines and M. Kosakowski noted that one of the two (2) seasonal laborers that were hired for the 2020 season has expressed an interest in continuing employment with LCWSA. This individual has done an exemplary job in the seasonal laborer position, but by definition the employment of a “seasonal” position is limited to an employment period “not to exceed six (6) calendar months in any calendar year nor six (6) consecutive calendar months”. This timeframe will end in mid-October for this individual. LCWSA had previously established a total of ten (10) Building Maintenance Person positions (Non-Competitive), and it is recommended that the Board consider filling one (1) position (status: seasonal).

Motion: E. Gott moved and D. Fanaro seconded the filling of one (1) Building Maintenance Person position (Status – Seasonal) at the hourly rate of \$15.67. Carried unanimously.

NYSDOT Undertaking (PERM 2) – Review & Approval

M. Baines noted that based on a few recent projects involving work within the NYSDOT right-of-way, it is recommended that LCWSA consider filing an undertaking (PERM 2) with the NYSDOT, which can help facilitate the highway work permit process in the future, and eliminate the need for a contractor to post a bond for the 200% of the value of the work to be completed in the right-of-way. J. Campbell cautioned the Board regarding the shift of potential liability from the contractor to LCWSA. After extensive discussion, the Board consensus was to approve the resolution, but review each project on a case-by-case basis to determine if it is appropriate for LCWSA to be listed as the permittee only. The Board reviewed the draft resolution, on file with Secretary.

Motion: D. Fanaro moved and S. Beardsley seconded the approval of Resolution No. 2020-18 “Approving Undertaking For The Benefit Of The New York State Department Of Transportation In Connection With Work Affecting State Highways” (For Use By Utility And Public Utility Companies And Transportation Corporations) And Authorizing The Executive Director To Sign Perm 2. Carried unanimously.

Communications

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

- “Greene County – Information Technology” Audit Report prepared by Office of NYS Comptroller (September 2020).
- A.10832/S.8617B signed into Law by NYS Governor on Sept 7, 2020
 - Requires public employers to develop an operations plan in the event of certain declared public health emergencies. Deadline: April 1, 2021 (*Plan must be presented to union representatives for review and recommendation within 150 days from Sept 7, 2020 effective date*).
- Meetings:
 - Joint Village of Livonia/LCWSA Board Meeting held on Wednesday, September 9, 2020 at the Village Community Park.
 - Livingston County Water Supply Study Update – Stakeholder Meeting with Supervisors and Mayors held on Thursday, September 17, 2020 at the Government Center.

Executive Session

Motion: E. Gott moved and D. Fanaro seconded that the Board adjourn and reconvene in Executive Session at 10:55 am for the purpose of discussing contract negotiations; and that M. McKeown act as Chairman and M. Baines act as Secretary. Carried unanimously.

Motion: E. Gott moved and D. Fanaro seconded to end the Executive Session at 11:10 am. Carried unanimously.

The Board reconvened in regular session. The following report was presented.

REPORT OF EXECUTIVE SESSION

The Board of Livingston County Water & Sewer Authority having met in Executive Session for the purpose of discussing contract negotiations, hereby reports as follows:

No action taken.

Dated September 23, 2020

M. McKeown

M. Baines, Secretary

Motion: E. Gott moved and S. Beardsley seconded that the Board adjourn and reconvene in Executive Session at 11:11 am for the purpose of discussing information regarding proposed, pending or current litigation; and that M. McKeown act as Chairman and M. Baines act as Secretary. Carried unanimously.

Motion: E. Gott moved and S. Beardsley seconded to end the Executive Session at 11:18 am. Carried unanimously.

The Board reconvened in regular session. The following report was presented.

REPORT OF EXECUTIVE SESSION

The Board of Livingston County Water & Sewer Authority having met in Executive Session for the purpose of discussing information regarding proposed, pending or current litigation, hereby reports as follows:

No action taken.

Dated September 23, 2020

M. McKeown

M. Baines, Secretary

Motion: E. Gott moved and M. McKeown seconded to authorize (1) J. Campbell to prepare a release for signature by the property owners of 5353 West Lake Road, and (2) Upon signature of the release by the property owners, LCWSA shall make a payment for plumbing services to Brian K. Deel HVAC, Inc., in the amount of \$220.00 and Joe Longhini's Drainage Solutions in the amount of \$595.00.

Adjourn: Motion: E. Gott moved and M. McKeown seconded to adjourn the Board meeting at 11:20 am. Carried unanimously.