

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

Excused: T. Anderson

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), Nick Bayer (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

M. Baines requested that the Executive Session scheduled at the end of the Board meeting be moved to first on the agenda.

Motion: D. Fanaro moved and S. Beardsley seconded to approve the agenda as modified. Carried unanimously.

Executive Session

Motion: D. Fanaro moved and E. Gott seconded that the Board adjourn and reconvene in Executive Session at 8:05 am for the purpose of discussing the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation; and that M. McKeown act as Chairman and M. Baines act as Secretary. Carried unanimously.

Motion: S. Beardsley moved and T. Saunders seconded to end the Executive Session at 8:34 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 the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation, hereby reports as follows:

No action taken.

Dated December 18, 2020

M. McKeown, Chairman

M. Baines, Secretary

Motion: D. Fanaro moved and S. Beardsley seconded to approve Resolution No. 2020-26 Recognition Of Certain Benefits And Compensation For Mark Kosakowski, and to establish the 2021 salary for the Director of Operations as \$79,515.00. Carried unanimously.

Approval of Minutes – November 18, 2020 Regular Board Meeting
December 2, 2020 Special Meeting

Motion: S. Beardsley moved and T. Saunders seconded to approve regular board meeting minutes dated November 18, 2020. Carried unanimously.

Motion: T. Saunders moved and E. Gott seconded to approve special meeting minutes dated December 2, 2020. Carried unanimously.

Privilege of the Floor – New Board Member (Donald Higgins)

Chairman M. McKeown welcomed new Board member Donald Higgins, who has been appointed by the County Board of Supervisors to fill the unexpired term (to 12/31/21) of Phil Brooks. M. Baines noted that P. Brooks previously served on the Audit/Finance Committee, and it is recommended that D. Higgins fill this vacancy.

Motion: S. Beardsley moved and D. Fanaro seconded to approve the appointment of D. Higgins to the Audit/Finance Committee. Carried unanimously.

Financial Report: R. Lewis reviewed the November 2020 Financial Report with the Board (on file with Secretary). R. Lewis informed the Board that Bonadio & Co., LLP, would be on-site the first week of December 2020 to perform some preliminary fieldwork as part of the 2020 audit.

Motion: D. Fanaro moved T. Saunders seconded to approve the November 2020 Financial Report. Carried unanimously.

Approval of Bills: R. Lewis reviewed the December 2020 monthly bills.

Motion: E. Gott moved and S. Beardsley seconded to approve paying Total Operating & Projects Expenditures in an amount not-to-exceed \$292,215.07. Carried unanimously.

Motion: T. Saunders moved and E. Gott seconded to approve paying the bills for Total Utilities & Miscellaneous expenditures in an amount not-to-exceed \$249,123.77. 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:

- **I/I Study (EFC EPG Project No 92730) – Sanitary Sewer Cleaning & Televising, Change Order No. 1 Final Quantity Adjustment (Over/Under Change Order)**
E. Wies circulated copies of proposed Change Order No. 1 (on file with Secretary) to the Board for review and approval. The change order consists of final quantity adjustments to the contract with National Water Main Cleaning Company. The change order will result in a decrease of \$20,809.39 to the final contract amount (\$171,987.50 → \$151,178.12).

Motion: S. Beardsley moved and D. Fanaro seconded to approve Change Order No. 1 Final Quantity Adjustment (Over/Under Change Order) to the “Sanitary Sewer Cleaning and Televising” Project (Contractor: National Water Main Cleaning Company), which decreases the contract amount by \$20,809.39 to \$151,178.12. Carried unanimously.

- **2020 CIP – Pump Station Roof Replacement (P31143), Change Order No. 1 – Additional Roof Replacement (2 Sewage Pump Stations)**
E. Wies circulated copies of proposed Change Order No. 1 (on file with Secretary) to the Board for review and approval. The change order consists of roof replacement at two (2) additional sewage pump stations: Shaker Pump Station and Cipriano Pump Station located in the Mount Morris area. Based on

further field investigations by LCWSA staff, it is recommended that the deteriorated roofs at both locations be replaced with metal roofs. The total cost of the additional work is \$14,328.00, which will increase the contract amount from \$222,652.00 to \$236,980.00.

Motion: D. Fanaro moved and E. Gott seconded to approve Change Order No. 1 – Additional Roof Replacement (2 Sewage Pump Stations) to the Pump Station Roof Replacement Project (Contractor: RB Brock Construction), in the amount of \$14,328.00. Carried unanimously.

▪ **Water Loss/Non-Revenue Water Update – LCWSA Service Areas**

M. Kosakowski reviewed the retail and wholesale numbers for each service area, for Q4 2020 (Service Period: August 1, 2020 – October 31, 2020), and provided a comparison to prior quarters. It was noted that in South Avon, the automatic flushers were operating less frequently than in Q3, which explains the lower wholesale usage. In LCWSA’s Consolidated Water District (Source of Supply: City of Rochester), outside of the Town of Livonia, the retail usage was approximately 5,000,000 gallons more than the prior quarter, and this was due to a significant leak discovered on the Dairy Knoll Farms property but was also due to an increase in actual consumption by the farm. As wholesale usage did not increase significantly despite the significant increase in retail usage, LCWSA continues to research what may have contributed to the decrease in “non-revenue water” from 34% to 18% as there were no major leaks that were repaired in this area during Q4. For the area within the Town of Livonia (including the Village of Livonia), retail usage increased by 7,000,000 gallons over the prior quarter, and wholesale usage decreased by 13,000,000 gallons, which resulted in a decrease of “non-revenue water” from 38% to 19%. With the service saddle replacement project in South Livonia being completed during the Q4 timeframe, this may have contributed to the reduction in water loss. LCWSA staff will continue to monitor these areas closely in future quarters to see if there is sustained decrease in “non-revenue water”. The next quarterly update will be provided at the March 2021 Board Meeting.

Other Business

COVID-19 Impacts – Update & Discussion

M. Baines noted that with a recent surge in COVID-19 cases locally, LCWSA staff has reinstated certain restrictions, including restricting public access to the administration building. While non-emergency customer service appointments are still being scheduled, including plumbing inspections and meter replacements, LCWSA staff will continue to closely monitor the COVID-19 situation, and will be prepared to cancel appointments, if needed. The Board is prepared to conduct meetings virtually and will re-evaluate one week prior to the January 2021 Board meeting.

CSEA Employee Benefit Fund Dental Plan & Vision Plan Coverage – Review & Approval of Agreement + Retiree MOA(s)

M. Baines updated the Board that the CSEA Employee Benefit Fund (EBF) has forwarded the new agreement between the EBF and LCWSA, that covers the dental and vision benefits that will be provided to employees for the term of January 1, 2021 through December 31, 2024. This information has been reviewed and is consistent with the tentative agreement that was reached with CSEA back in October 2020. M. Baines reminded the Board that as part of the tentative agreement, LCWSA will be allowing employees to continue vision coverage into retirement (Employee pays 100% of cost directly to the CSEA EBF). This requires execution of a separate Memorandum of Agreement (MOA), which has been included in the Board packet. The Board reviewed both the main EBF agreement and the Retiree Vision MOA. The Retiree Dental MOA was previously signed back in December 2018, and this benefit was provided as part of the first agreement between CSEA and LCWSA, effective January 1, 2019.

Motion: E. Gott moved and D. Fanaro seconded to authorize the Executive Director to sign the dental and vision benefits agreement between CSEA EBF and LCWSA as presented, which shall take effect on January 1, 2021 and terminate on December 31, 2024. Carried unanimously.

Motion: S. Beardsley moved and T. Saunders seconded to authorize the Executive Director to sign the Retiree Vision MOA, as presented. Carried unanimously.

Village of Mount Morris Water Supply Agreement 1-year Extension (to December 31, 2021) – Review & Approve New Terms & Conditions

The Board reviewed the letter from the Village of Mount Morris, dated November 30, 2020 (on file with Secretary), indicating that the Village would be amenable to providing a 1-year extension to the existing water supply agreement, with the following three (3) stipulations:

1. There will be two separate agreements between the LCWSA and the Village of Mount Morris.
2. The Livingston County Water and Sewer Authority rate for water for the 2021 year will be \$5.00 per 1000 gallons. *(increase from \$4.25 per 1000 gallons)*
3. The Village of Mount Morris shall be the exclusive source for the 2021 calendar year. In the event the Livingston County Water and Sewer Authority commences water distribution through its new lines during 2021, it shall remain liable to the Village of Mount Morris for the difference between metered billings by the Village and the average billings for similar historical time periods based on volume.

Given the importance of the 1-year extension, which is necessary to allow for the completion of the ARS water transmission main, the Board consensus was to accept the above stipulations.

Motion: D. Fanaro moved and E. Gott seconded to accept the modifications to the agreement set forth in the November 30, 2020 letter from the Village of Mount Morris, and to authorize the LCWSA attorney to contact the Village’s attorney to draft the necessary water supply extension agreement/amendment. Carried unanimously.

LCWSA Staffing Plan

M. Baines updated the Board that Livingston County Personnel Dept has completed their review of all ten (10) New Position Duties Statements that were submitted back in late Summer/early Fall 2020. Titles have been assigned by the Personnel Department, and all positions have been classified by the Personnel Department as “competitive” with the exception of Deputy Executive Director, which is classified as “Non-Competitive”. In order to create the new positions, the Board is required to pass a separate resolution for each position, and identify the number of positions to be created. The Board reviewed the following ten (10) draft resolutions (on file with Secretary):

- **RESOLUTION NO. 2020-27 AUTHORIZING THE CREATION OF: TWO (2) ADMINISTRATIVE SECRETARY POSITIONS**
- **RESOLUTION NO. 2020-28 AUTHORIZING THE CREATION OF: TWO (2) DEPUTY EXECUTIVE DIRECTOR POSITIONS**
- **RESOLUTION NO. 2020-29 AUTHORIZING THE CREATION OF: THREE (3) MANAGER OF FISCAL OPERATIONS POSITIONS**
- **RESOLUTION NO. 2020-30 AUTHORIZING THE CREATION OF: THREE (3) UTILITIES BILLING SUPERVISOR POSITIONS**
- **RESOLUTION NO. 2020-31 AUTHORIZING THE CREATION OF: FIVE (5) WATER/WASTEWATER MAINTENANCE SUPERVISOR POSITIONS**
- **RESOLUTION NO. 2020-32 AUTHORIZING THE CREATION OF: TEN (10) WATER/WASTEWATER MAINTENANCE CREW LEADER POSITIONS**

- **RESOLUTION NO. 2020-33 AUTHORIZING THE CREATION OF: THREE (3) WASTEWATER TREATMENT PLANT MANAGER POSITIONS**
- **RESOLUTION NO. 2020-34 AUTHORIZING THE CREATION OF: TEN (10) SENIOR WASTEWATER TREATMENT PLANT OPERATOR POSITIONS**
- **RESOLUTION NO. 2020-35 AUTHORIZING THE CREATION OF: TEN (10) WASTEWATER TREATMENT PLANT OPERATOR POSITIONS**
- **RESOLUTION NO. 2020-36 AUTHORIZING THE CREATION OF: TEN (10) WASTEWATER TREATMENT PLANT OPERATOR TRAINEE POSITIONS**

Motion: E. Gott moved and T. Saunders seconded to approve Resolution No. 2020-27 Authorizing The Creation Of: Two (2) Administrative Secretary Positions. Carried Unanimously.

Motion: E. Gott moved and T. Saunders seconded to approve Resolution No. 2020-28 Authorizing The Creation Of: Two (2) Deputy Executive Director Positions. Carried Unanimously.

Motion: E. Gott moved and T. Saunders seconded to approve Resolution No. 2020-29 Authorizing The Creation Of: Three (3) Manager Of Fiscal Operations Positions. Carried Unanimously.

Motion: E. Gott moved and T. Saunders seconded to approve Resolution No. 2020-30 Authorizing The Creation Of: Three (3) Utilities Billing Supervisor Positions. Carried Unanimously.

Motion: E. Gott moved and T. Saunders seconded to approve Resolution No. 2020-31 Authorizing The Creation Of: Five (5) Water/Wastewater Maintenance Supervisor Positions. Carried Unanimously.

Motion: E. Gott moved and T. Saunders seconded to approve Resolution No. 2020-32 Authorizing The Creation Of: Ten (10) Water/Wastewater Maintenance Crew Leader Positions. Carried Unanimously.

Motion: E. Gott moved and T. Saunders seconded to approve Resolution No. 2020-33 Authorizing The Creation Of: Three (3) Wastewater Treatment Plant Manager Positions. Carried Unanimously.

Motion: E. Gott moved and T. Saunders seconded to approve Resolution No. 2020-34 Authorizing The Creation Of: Ten (10) Senior Wastewater Treatment Plant Operator Positions. Carried Unanimously.

Motion: E. Gott moved and T. Saunders seconded to approve Resolution No. 2020-35 Authorizing The Creation Of: Ten (10) Wastewater Treatment Plant Operator Positions. Carried Unanimously.

Motion: E. Gott moved and T. Saunders seconded to approve Resolution No. 2020-36 Authorizing The Creation Of: Ten (10) Wastewater Treatment Plant Operator Trainee Positions. Carried Unanimously.

Review & Re-Adoption Various Policies

M. Baines reminded the Board that the New York State Authorities Budget Office (ABO) requires that public authorities annually review, and update as necessary, various policies including their investment policy, procurement policy, whistleblower policy, etc. LCWSA staff have reviewed the following policies, and no revisions are recommended at this time:

- Investment Policy (F10-0000)
- Purchasing, Disposition Policy, and Capital Projects (F20-000)
- Whistleblower Policy (P01-001)

- Non-discrimination and Anti-Harassment Policy

M. McKeown noted in Appendix F of the Purchasing Policy, that the payment application schedule includes 2012 dates, and should be updated.

Motion: E. Gott moved and S. Beardsley seconded to re-adopt the Investment Policy (F10-0000); Purchasing, Disposition Policy, and Capital Projects (F20-0000) with correction as noted above; Whistleblower Policy (P01-001); and Non-discrimination and Anti-Harassment Policy. Carried unanimously.

2021 Look Ahead (January Organization Mtg Date, Regular Board Mtg Schedule, Capital Improvement Program & Project Planning Workshop, Special Meeting re: Executive Director Recruitment w/ Novak Consulting Group)

The Board discussed setting the meeting date for the annual organization meeting. The Board consensus was to schedule the meeting for January 20, 2021 at 8am, with a Regular Board meeting to immediately follow. The Board also discussed setting the dates, times, and location for the Regular Board meetings in 2021. The consensus was to hold the Regular Board meetings the third Wednesday of each month at 8am at the Watershed Education Center (Vitale Park, 5828 Big Tree Road, Lakeville NY 14480), except for the December meeting which will be held Friday, December 17, 2021 at 9 am.

The Board also discussed scheduling a special meeting with The Novak Consulting Group on Wednesday, January 6, 2021 at 4 pm. Meeting to be held remotely.

Motion: D. Fanaro moved and T. Saunders seconded to approve scheduling the organizational meeting for January 20, 2021 at 8am, with a Regular Board Meeting to immediately follow, and directed the Secretary to notify the public with an advertisement in the Authority's official newspapers. Carried unanimously.

Motion: E. Gott moved and D. Higgins seconded to approve the 2021 Regular Board Meeting schedule as presented (meetings to be held the third Wednesday of each month at 8am, at the Watershed Education Center in Vitale Park, 5828 Big Tree Road, Lakeville NY 14480, except for the December meeting which will be held on Friday, December 17, 2021 at 9 am), and directed the Secretary to notify the public with an advertisement in the Authority's official newspapers. Carried unanimously.

Motion: E. Gott moved and D. Higgins seconded to schedule a Special Meeting to be held remotely on Wednesday, January 6, 2021 at 4:00 pm, to further discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation, and any other matters, and to direct LCWSA staff to provide the required public notice of such meeting. Carried unanimously.

Communications

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

- Reminder: Completion of Annual Board of Directors Evaluation Form (LCWSA in receipt of 2 of 5 completed forms)

Adjourn: Motion: S. Beardsley moved and D. Fanaro seconded to adjourn the Board meeting at 10:25 am. Carried unanimously.