

Members Attending: T. Anderson, S. Beardsley, P. Brooks, J. Deming, E. Gott, M. McKeown, T. Saunders

Excused:

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 T. Anderson called the meeting to order at 8:00 am.

Approval of Agenda

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

Approval of Minutes – October 23, 2019 Regular Board Meeting

Motion: *J. Deming moved and E. Gott seconded to approve regular board meeting minutes dated October 23, 2019. Carried unanimously.*

Privilege of the Floor

T. Anderson recognized the following staff in attendance:

- Tracey Hockey – Tracey was hired on November 12, 2019 as Account Clerk/Typist and most recently had worked as a teaching assistant. Tracey is currently shadowing Brittany Harris and will be taking over her duties, following Brittany’s last day of employment on December 31, 2019.

Financial report: R. Lewis reviewed the October 2019 Financial report with the Board (on file with Secretary).

Motion: *E. Gott moved and T. Saunders seconded to approve the Financial Report. Carried unanimously.*

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

- **National Grid – Overbill on 1997 D’Angelo Drive Account (May 2019 – Sept 2019)**
R. Lewis and M. Baines updated the Board that LCWSA staff had been notified by National Grid at the end of October that the account for the Lakeville Wastewater Treatment Plant (WWTP) had been overbilled since May 2019. At the end of April 2019, National Grid swapped out the electric meter for an “upgraded AMI Cell Meter”, as part of the larger WWTP upgrades project. National Grid discovered a “meter multiplier issue requiring the subject re-bill”, and corrected bills were re-issued in early November for billing periods of May 2019 through September 2019. R. Lewis and M. Baines circulated a summary table which provided a comparison between the original bills and corrected bills, in terms of billed amounts, total energy usage, and total demand charges. Except for the May 2019 bill, the total energy usage (kWh) and total demand (kW) were incorrectly billed at 2 times the actual usage. This resulted in an overbill from National Grid for “delivery charges” of approximately \$8,150.00. This also resulted in an overbill from Constellation Energy for “supply charges” of approximately \$11,573.00. These amounts now appear as credits on the October 2019 bills, which have been billed correctly. R. Lewis and M. Baines noted that when the large increases were first observed on the bills

starting in May 2019, it was assumed that the large increase in energy usage was due to the new Bio-Tower pump station being put into operation at the WWTP. While the corrected usage numbers from May 2019 through September 2019 confirm that the increase in usage due to the Bio-Tower pump station is significantly less than first believed, LCWSA staff believe that there are still opportunities to reduce electrical consumption at the WWTP and other LCWSA sites.

- **City of Rochester – Wholesale Water Rate Increase for Town of Livonia (including Village of Livonia), effective January 1, 2020**

R. Lewis and M. Baines reviewed with the Board, the City of Rochester Bureau of Water Letter (dated November 12, 2019, and included in the Board Communications Folder) notifying the Town of Livonia that the wholesale water rate will increase approximately 16% (\$0.62/1000 gallons to \$0.72/1000 gallons), effective January 1, 2020. Per the 1990 agreement between the Town of Livonia and the City of Rochester, the wholesale rate shall be adjusted “on the first day of every fifth year after 1988 (i.e. 1993, 1998, 2003, etc.) by making it equal to 150% of the audited exchange rate as is established for the previous year pursuant to the terms of the 1978 agreement between the City of Rochester and the Monroe County Water Authority”. LCWSA staff did seek clarification from the City of Rochester as prior adjustments have not consistently been on a five-year interval and the effective date has not always been January 1. The City indicated that moving forward it will resume performing the adjustments per the schedule in the original agreement, therefore the next adjustment will be effective January 1, 2023. LCWSA staff also requested that the City notify the Town of Livonia/LCWSA by September 1 of the prior year, in order for LCWSA to budget appropriately for the following year.

In terms of budgetary impacts of the 16% wholesale rate increase, LCWSA staff calculated that this could result in an additional \$25,000 in purchased water expenses, assuming LCWSA purchases (on behalf of the Town of Livonia) the same volume of water from the City of Rochester in 2020, as was purchased in 2019. The Board did discuss that the water loss/“non-revenue water” numbers for the Town of Livonia (including Village of Livonia) service area is significantly higher than AWWA recommendations, and that the focus in 2020 will need to be a reduction in water loss/“non-revenue water”, to partially or fully offset the rate increase.

Bills: R. Lewis reviewed the monthly bills.

Motion: *J. Deming moved and M. McKeown seconded to approve paying Total Operating & Projects expenditures of \$181,821.54 as follows: DOCCS Project Expenditures in an amount not to exceed \$480.00; Operating Expenditures in an amount not to exceed \$165,727.54; Project Expenditures in an amount not to exceed \$15,614.00. Carried unanimously.*

Motion: *E. Gott moved and S. Beardsley seconded to approve paying the bills for Utilities & Miscellaneous expenditures in an amount not to exceed \$127,427.44. Carried unanimously.*

Operations and Capital Report

M. Kosakowski reviewed the Operations and Capital Reports with the Board (on file with Secretary).

Other Business

Water Meter Replacement Program - Schedule Public Hearing re: Non-Response Fee/Charge

M. Kosakowski and M. Baines updated the Board that Phase 1 of the comprehensive meter replacement program is now underway, and meter replacement letters have been sent out to properties on Pennsylvania Ave, South Lima Rd, and Triphammer Rd. In order to ensure that the program will be successful, customers will need to respond in a timely manner to the notification letter to have their meter replaced. It is anticipated that there may be some customers who will be non-responsive, despite receiving several notifications. The Board discussed that establishing a meter replacement non-compliance fee may help to achieve improved cooperation.

It was proposed that the dollar amount of the fee match that of the non-working meter fee, which is \$100.00 per quarter.

Motion: E. Gott moved and J. Deming seconded to schedule a public hearing on the proposed “Water Meter Replacement Non-Compliance Fee” of \$100.00 per quarter, on December 20, 2019 at 9:05am at the Watershed Education Center, 5828 Big Tree Road, Lakeville NY 14480, to hear all comments, and to direct LCWSA staff to provide the required public notice of such hearing. Carried unanimously.

CSEA Agreement – Proposed Memorandum of Agreement (Re: Article 29 – Pay and Work Week)

M. Baines reminded the Board that LCWSA staff comprise both 40 hour per week and 35 per hour week employees. During the “employee transition” discussions in 2018, there were no suggestions to make any changes to the standard work day or work week, primarily because it was important to try to mirror the County set up as closely as possible to minimize any issues with the transition. Therefore, 7 hour/day Public Works employees became 7 hour/day LCWSA employees on January 1, 2019. Based on an evaluation of current workload and anticipated workload next year, M. Baines recommended that the Board consider standardizing the work week as 40 hours. As a change in the number of hours in the basic work week (Article 20, Section 1, p. 31 of the CBA) is a mandatory subject of bargaining, this would require the development of a Memorandum of Agreement (MOA) with CSEA. The Board reviewed the draft MOA (on file with Secretary) that was prepared by Webster Szanyi LLP. This MOA will impact four (4) employees in the CSEA unit: Principal Acct Clerk, Sr Acct Clerk/Typist, Acct Clerk/Typist, Building Maintenance Person. In terms of budgetary impact, it is anticipated that this will add approximately \$16,000 in expenses for 2020, based on the proposed effective date of January 5, 2020.

Motion: E. Gott moved and T. Saunders seconded to approve the Proposed “Memorandum of Agreement Re: Article 29 – Pay and Work Week” between LCWSA and CSEA, as presented, and to authorize the Executive Director to sign the agreement. Carried unanimously.

Lakeville Wastewater Treatment Plant (SPDES NY0032328) – Consent Order

▪ **Proposed Intermunicipal Agrmt – Town of Livonia**

J. Campbell provided an update that the Town of Livonia Board had reviewed the proposed compromise regarding the term of the agreement, which would be for 10 years but would also include automatic renewal language for subsequent 10-year terms, provided that neither party provides notice that it would like to modify the agreement prior to the expiration of the 10-year term. The Town of Livonia Board has rejected the proposed compromise and has approved signing the agreement for one 10-year term. The LCWSA Board discussed the critical importance of getting the intermunicipal agreement in place, and therefore the consensus was to sign the agreement based on the 10-year term. The Board did indicate that development of the proposed intermunicipal agreements with the remaining municipalities who are located within the Lakeville WWTP service area (Village of Livonia, Town of Conesus, Town of Geneseo, Town of Groveland, Town of Avon) should incorporate the automatic renewal language for subsequent 10-year terms.

Motion: J. Deming moved and P. Brooks seconded to authorize the Executive Director to sign the proposed intermunicipal cooperation agreement with the Town of Livonia, for a term of 10 years. Carried unanimously.

Motion: S. Beardsley moved and P. Brooks seconded to authorize J. Campbell to prepare intermunicipal agreements between LCWSA and the remaining municipalities who are located within the Lakeville WWTP service area (Village of Livonia, Town of Conesus, Town of Geneseo, Town of Groveland, Town of Avon), and to incorporate the automatic renewal language for subsequent 10-year terms. Carried unanimously.

- **Compliance Directive IIB – Proposed Amendments to Budgeted Amounts (Engineering, Legal)**
M. Baines provided a brief update that both Kruk & Campbell and CPL had now reached their budgets (\$10,000 and \$40,000 respectively), for legal and engineering support related to compliance with the Consent Order. As these efforts will continue into 2020, with the preparation of 6-month update reports and other related submittals to the DEC, it is recommended that the budgets be increased to \$20,000 and \$75,000, respectively.

Motion: E. Gott moved and T. Saunders seconded to increase the legal services budget for Kruk & Campbell from \$10,000 to \$20,000, and to increase the engineering services budget for CPL from \$40,000 to \$75,000, to cover continuing legal and engineering support to LCWSA for compliance with the Consent Order. Carried unanimously.

IT Infrastructure – Vulnerability & Risk Assessment, Cybersecurity Documentation Development

R. Lewis and M. Baines provided an update that Layer3 Technologies had completed all the technology upgrades related to the employee transition, and the focus has now shifted to performing a vulnerability & risk assessment of LCWSA’s existing IT infrastructure and the development of the necessary cybersecurity documentation (standards, policies, procedures, etc.). The Board reviewed the quotes provided by Layer3 Technologies for the Vulnerability & Risk Assessment (\$5,620.00) and Cybersecurity Documentation Development (\$3,995.00) and felt the proposed scope of work and fees were reasonable. Until the Vulnerability & Risk Assessment is completed, it is not yet known if LCWSA may need to invest in additional IT security upgrades, etc. Therefore, M. Baines recommended that the Board establish a 2019 Capital Project with a preliminary budget of \$10,000.00, which will be sufficient to cover the initial scope of work.

Motion: T. Saunders moved and E. Gott seconded to establish a 2019 Capital Project entitled “IT Vulnerability/Risk Assessment & Cybersecurity Documentation” with a budget of \$10,000. Carried unanimously.

Communications

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

- Claim of Jaclyn Corcoran vs. Livingston County Water and Sewer Authority – Section 50h Examination of Claimant conducted on October 30, 2019 by Webster Szanyi LLP.
- City of Rochester Bureau of Water Letter (dated November 12, 2019) to Town of Livonia re: Change to Wholesale Water Rate, effective January 1, 2020.
(See Financial Discussion above)
- Livingston County Water Supply Study Update – Project Update Meeting for Municipal Officials (Village Mayors, Town Supervisors) held on November 13, 2019 (Mt Morris Campus Building #1 Conference Center, 1 Murray Hill Drive, Mt Morris NY 14510).
(CPL PowerPoint presentation and overall map identifying potential water supply alternatives and interconnections circulated to Board members)

Adjourn: Motion: S. Beardsley moved and J. Deming seconded to adjourn the Board meeting at 9:49 am. Carried unanimously.