

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

Excused: M. McKeown, 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, Vice Chair T. Anderson called the meeting to order at 8:00 am.

Approval of Agenda

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

Approval of Minutes – January 29, 2020 Organizational Meeting & Regular Board Meeting

Motion: *E. Gott moved and J. Deming seconded to approve organizational meeting minutes and regular board meeting minutes dated January 29, 2020. Carried unanimously.*

Privilege of the Floor – None.

Financial report: R. Lewis reviewed the January 2020 Financial report with the Board (on file with Secretary). R. Lewis updated the Board that the final payment from DOCCS in the amount of \$1,053,440.33 was received on February 6, 2020, which will allow LCWSA to fully close out the DOCCS Water Supply Project. The Work-In-Progress (WIP) report has been updated to reflect capitalization of approximately \$12M in project expenses, which comprises \$7.6M for the DOCCS Water Supply Project + Upsizing of Infrastructure for Farms, and \$4.3M for Phase 1 of the Lakeville Wastewater Treatment Plant Upgrades project.

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

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

- **2019 Audit – 401(a)/457(b) Deferred Compensation Plans: Engagement Letter (Bonadio & Co, LLP)**
R. Lewis and M. Baines reminded the Board that in advance of the January 1, 2019 employee transfer, LCWSA adopted its own 401(a)/457(b) Deferred Compensation Plans to mirror the plans that were already in place for Livingston County employees. In accordance with the Rules and Regulations of the NYS Deferred Compensation Board, an annual audit of the plans must be completed. The Board reviewed the Engagement Letter (on file with Secretary) prepared by Bonadio & Co, LLP for auditing services associated with the two (2) plans. The letter identifies a proposed fee of \$6,500 which the Board felt was reasonable based on the proposed scope of services.

Motion: *E. Gott moved and J. Deming seconded to retain Bonadio & Co, LLP for the 2019 audit of LCWSA's deferred compensation plans for a fee of \$6,500.00, and to authorize the Chairman and the Executive Director to sign the Engagement Letter. Carried unanimously.*

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

Motion: *J. Deming moved and E. Gott seconded to approve paying Total Operating & Projects expenditures of \$128,304.98 as follows: Operating Expenditures in an amount not to exceed \$120,564.46; and Other Project Expenditures in an amount not to exceed \$7,740.52. Carried unanimously.*

Motion: *S. Beardsley moved and E. Gott seconded to approve paying the bills for Utilities & Miscellaneous expenditures in an amount not to exceed \$99,428.31. Carried unanimously.*

Operations and Capital Report

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

- **Village of Livonia – Washington Street Emergency Water Main Repairs**

Over the weekend of February 15, 2020, LCWSA staff responded to two (2) emergency water main breaks on Washington Street. The deteriorated condition of the ductile iron pipe was similar to what was observed with the water main break that occurred in Fall 2019 on Grove Street in the Village. M. Kosakowski and M. Baines expressed their concerns that the ductile iron pipe installed on these streets is only 20-30 years old, and these breaks may be indicative of a more widespread issue in the Village with ductile iron pipe prematurely failing. At this time, it is not known whether the cause of these failures is corrosion, issues with pipe embedment, defective pipe, etc. LCWSA staff is recommending that a leak detection company be retained that can systematically go from street to street within the Village and determine if there are other areas with ductile iron pipe that have similar leaks.

Other Business

Review & Approval of Procedures

- **Assessment of Non-Working Meter Fee**

M. Baines and R. Lewis noted that back in February 2014, the Board established a non-working meter fee of \$100.00. Based on an internal review by LCWSA staff, it was determined that a formal written procedure for assessing the non-working meter fee should be established, in order to minimize the risk that customers are incorrectly charged the fee. M. Baines and R. Lewis circulated a draft procedure flowchart (on file with Secretary) for review and approval by the Board.

Motion: *J. Deming moved and S. Beardsley seconded to approve the procedure for assessing the Non-Working Meter Fee as presented. Carried unanimously.*

- **Water Service Shut-Off**

M. Baines noted that as part of the recently adopted written procedures for assessing the Non-Working Meter Fee and the Meter Replacement Non-Compliance Fee, water service shut-off procedures shall be initiated for customers who are non-responsive and have been assessed the fee for two (2) consecutive billing quarters. Section 8.4 of LCWSA's Water Service Rules & Regulations includes language regarding "Discontinuance of Service" but does not provide additional detail on the actual process of disconnection or whether prior notice is required. LCWSA's enabling legislation requires that notice of disconnection or discontinuance of service be provided in accordance with Public Service Law § 89-b (Subdivisions 3-a, 3-b, 3-c) and § 116. The Board reviewed proposed revisions to Section 8.4 (on file with Secretary), which includes new language stating that disconnection or discontinuance of service be provided in accordance with Public Service Law § 89-b (Subdivisions 3-a, 3-b, 3-c) and § 116. It also identifies situations in which LCWSA may discontinue water service without prior notice, including but not limited to theft of service, tampering with LCWSA-owned equipment, where a known condition poses a hazard to public health or safety, etc. Internally, LCWSA staff has developed a corresponding

procedure flowchart for water service shut-offs, recognizing that the procedure may need to be modified if there are changes to the notification requirements included in Public Service Law § 89-b (Subdivisions 3-a, 3-b, 3-c) and § 116.

Motion: E. Gott moved and J. Deming seconded to revise Section 8.4 (Discontinuance of Service) of LCWSA's Water Service Rules & Regulations as presented. Carried unanimously.

2020 Capital Improvement Program – Review & Approval of Engineering Proposals

M. Baines noted that with contractors beginning to schedule projects for 2020, it was recommended that design and bidding proceed as soon as possible for the following 2020 capital projects:

- (1) Pennemite Road Sanitary Manhole Installation
- (2) Pump Station Roof Replacement, and
- (3) Water Loss Control – Service Saddle Replacement (S Livonia)

E. Wies circulated copies of engineering proposals (on file with Secretary) to the Board for review and approval. The proposed scope and fee were reviewed for each project.

Motion: J. Deming moved and E. Gott seconded to approve the CPL proposal for engineering services for the Pennemite Road Sanitary Manhole Installation Project, for a not-to-exceed fee of \$11,450.00. Carried unanimously.

Motion: J. Deming moved and E. Gott seconded to approve the CPL proposal for engineering services for the 2020 Pump Station Roof Replacement Project, for a not-to-exceed fee of \$5,520.00. Carried unanimously.

Motion: J. Deming moved and E. Gott seconded to approve the CPL proposal for engineering services for the Water Loss Control – Service Saddle Replacement (S Livonia) Project, for a not-to-exceed fee of \$19,300.00. Carried unanimously.

LCWSA Staffing: Seasonal Laborers – Establish 2020 Salary and Authorize to Fill Two (2) Positions

M. Baines and R. Lewis noted that these two (2) positions were included in the 2020 budget. 2019 was the second year that LCWSA hired seasonal laborers directly, in lieu of contracting out the mowing to a private contractor. In addition to mowing of all the sites, the seasonal laborers have also been able to complete miscellaneous maintenance activities at various sites. Therefore, LCWSA staff recommends that we continue to utilize two (2) seasonal laborers to assist our Building Maintenance Person (Tom Kuch) during the Spring/Summer/Fall season. The Board discussed establishing the hourly wage rate for the two (2) positions for the 2020 season. In 2019, the hourly rate was established as \$13.00/hour.

Motion: T. Anderson moved and E. Gott seconded to establish the Seasonal Laborer wage rate for 2020 at \$13.50/hour, and to authorize the Executive Director to fill the two (2) positions. Carried unanimously.

Excused: S. Beardsley left meeting at 9:10 a.m. Without a quorum, meeting was adjourned and the following items were informally discussed:

Status Update re: Compliance Activities & Schedule

▪ NYSDEC Consent Order R8-20180803-83 (Lakeville WWTP – SPDES NY0032328)

M. Baines, E. Wies, and J. Campbell provided a brief update to the Board on the status of the compliance directives identified in the Consent Order. The second 6-month progress report to NYSDEC summarizing I/I reduction activities that have been completed for the prior period, was submitted in February 2020. NYSDEC had several miscellaneous review comments. A response letter is in the process of being assembled and sent to NYSDEC.

Revised Significant Industrial User (SIU) permits (with an effective date of February 1, 2020) have been issued to Sweeteners Plus and ADM, that now reflect the revised limits for various wastewater constituents that are listed in LCWSA's updated Sewer Use Rules and Regulations.

J. Campbell noted that the Town of Livonia has scheduled a public hearing for April 2, 2020 to consider adopting a local law that mirrors LCWSA's updated Sewer Use Rules and Regulations. The Village of Livonia attorney is currently reviewing the Sewer Use Rules and Regulations, before the Village will schedule their public hearing. Once the Town and Village of Livonia have adopted these regulations as local laws, the same process will be followed with the remaining municipalities that are in the Lakeville WWTP service area.

- **EPA Administrative Order SDWA-02-2019-8032 (LCWSA Consolidated Water District)**
M. Baines and E. Wies updated the Board that EPA has reviewed the corrective action plan that was submitted back in 2019, and anticipates issuing a compliance order that formalizes a schedule for completion of those long-term measures identified in the plan, which included a proposed water main interconnection in the Groveland Station area with the recently completed DOCCS water supply infrastructure, and the addition of THM removal systems in various tanks within the Consolidated Water District.

Communications

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

- "Village of Windsor, Water Operations" Audit Report by Office of NYS Comptroller (January 2020).
- Authorities Budget Office (ABO) Policy Guidance No. 20-01 (Subject: Enforcement Powers of the Authorities Budget Office) – Issued February 3, 2020, and Supersedes No. 11-02.