

Regular Meeting Minutes

Date: April 22, 2020

**Due to COVID-19 situation, meeting held via teleconference.
See attached public notice posted on LCWSA webpage**

Members Attending: M. McKeown, T. Anderson, S. Beardsley, J. Deming, E. Gott, 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 M. McKeown called the meeting to order at 8:00 am.

Approval of Agenda

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

Approval of Minutes – March 25, 2020 Regular Board Meeting

Motion: *E. Gott moved and S. Beardsley seconded to approve regular board meeting minutes dated March 25, 2020. Carried unanimously.*

Privilege of the Floor – None.

Financial Report: R. Lewis reviewed the March 2020 Financial Report with the Board (on file with Secretary).

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

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

- **2019 Audit – Bonadio & Co, LLP Request for Additional Compensation (4/10/20 Email)**
R. Lewis and M. Baines reviewed an email from Bonadio & Co, LLP, requesting additional compensation for the most recent 2019 audit, as a result of additional effort that was expended due to circumstances outlined in Appendix A of their engagement letter. The Board reviewed this information and the consensus was that the request for the additional \$2,000.00 in compensation was reasonable.

Motion: *T. Anderson moved and S. Beardsley seconded to approve additional payment to Bonadio & Co., LLP in the amount of \$2,000.00, for additional effort expended on the 2019 audit due to circumstances outlined in Appendix A of their engagement letter. Carried unanimously.*

- **Customer Billing – Increase/Decrease in Water and/or Sewer Units:**
LCWSA Acct 11859 (4415 E Lake Road, Livonia NY 14487) + Review & Approval of Procedure
R. Lewis and M. Baines notified the Board that LCWSA staff had received a letter on March 20, 2020 from a customer with a service address of 4415 E Lake Road, Livonia NY 14487 (LCWSA Acct 11859), requesting that their billing unit assessment be reduced from 2 units to 1 unit, retroactively to the date that the property was purchased in August 2019. The customer notified LCWSA via phone call on February 13, 2020, that they were disputing the number of billing units, and a work order was generated to perform an inspection of the property. LCWSA field staff confirmed that the property had been converted back to a single-family dwelling and the units could be reduced to 1, as of the date of

the inspection (February 18, 2020). The Board agreed that this was the appropriate course of action, and no further adjustments to the bill are warranted.

Although it has been LCWSA’s practice to adjust water and/or sewer units based on the date that the inspection was performed, this has not been formalized in a written procedure. M. Baines and R. Lewis circulated a draft procedure flowchart (on file with Secretary) for review and approval by the Board. It was noted that there may be occasions where customers may not allow access to LCWSA staff to conduct inspections, and it is recommended that the Board consider adopting a “Non-Access Fee” that can be assessed, after a customer has been duly notified of the need to access the dwelling/building to verify any changes that may impact the number of billing units. Adoption of a new fee will require a public hearing. Given the current restrictions due to the COVID-19 pandemic, the Board consensus was to postpone scheduling a public hearing until such time that Board meetings can resume in person.

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

Motion: *E. Gott moved and J. Deming seconded to approve paying Total Operating & Projects Expenditures in an amount not to exceed \$194,112.73. Carried unanimously.*

Motion: *S. Beardsley moved and T. Saunders seconded to approve paying the bills for Total Utilities & Miscellaneous expenditures in an amount not to exceed \$151,227.47. 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:

- **Declaring Certain Equipment Surplus (Resolution 2020-06): 2003 Winston Equipment Trailer**
M. Kosakowski provided an update to the Board that additional structural and mechanical issues have been discovered on the trailer, and the estimated cost to complete the repairs is between \$3,500 and \$4,000. Approximately 3 years ago, \$7,000 in repairs were completed on the trailer. Given the age, condition, and current value of the trailer, it is recommended that the trailer be declared surplus and a new trailer be purchased. The Board reviewed the following draft resolution:

RESOLUTION NO. 2020 – 06 DECLARING CERTAIN EQUIPMENT AS SURPLUS

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:

<u>Description</u>	<u>Serial No/VIN #</u>
2003 Winston Equipment Trailer	1W9AP2522H202207

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 T. Saunders seconded to approve Resolution 2020 – 06 Declaring Certain Equipment as Surplus Property (2003 Winston Equipment Trailer). Carried unanimously.*

- **2020 Capital Equipment Purchases - Proposed Amendment**

M. Kosakowski updated the Board that he obtained three (3) quotes for a new equipment trailer, with the lowest quote from Teitsworth Trailers in the amount of \$14,220.00. M. Kosakowski also recommended purchasing new chains and binders, which are estimated to cost \$1,500.00.

Motion: E. Gott moved and T. Saunders seconded to add “New 25000 GVWR Tandem Dual Equipment Trailer” to list of approved 2020 Capital Equipment Purchases, with a budget of \$16,000.00. Carried unanimously.

Other Business

- **COVID-19 Impacts – Update & Discussion, Q2 Billing – Waiving of late Fees**

M. Baines provided a brief update that no additional adjustments in operations have been made since the March 25, 2020 Board meeting. LCWSA staff did follow up with the Town of Geneseo, Town of Lima, and Village of Livonia, as we perform billing on their behalf, and all three (3) municipalities were in agreement with the potential waiving of late fees for the second quarter billing, to provide some relief for those customers who may be facing financial hardships due to the pandemic. The Board discussed how this information would be conveyed to the customers; the consensus was to include an insert with the second quarter bills.

Motion: T. Anderson moved and T. Saunders seconded to approve waiving late fees for the second quarter billing (Service Period – February/March/April 2020), in response to the COVID-19 pandemic. Carried unanimously.

Village of Livonia Meadow Drive Water Improvements Project – DWSRF #18608, Review & Approval of Draft Intermunicipal Agreement

M. Baines provided a brief history on the project and noted that construction was nearing completion and the Board had previously authorized J. Campbell to prepare an intermunicipal agreement with the Village that would formalize the cost sharing arrangement for the upsizing of certain infrastructure to benefit LCWSA customers. J. Campbell reviewed the draft agreement with the Board, including Section 4 (Apportionment of Cost of New Infrastructure Improvements), which states that the “*Authority will reimburse the Village 23% of the total net cost of construction of the New Infrastructure Improvements*”. J. Campbell noted that the draft agreement has been forwarded to the Village’s attorney (Pete Skivington, Esq.) for review.

Motion: T. Anderson moved and S. Beardsley seconded to authorize the Executive Director to sign the Intermunicipal Cooperation Agreement with the Village of Livonia for the Meadow Drive Water Improvement Project, subject to final review and approval by the Village of Livonia. Carried unanimously.

Renewal of Inter-municipal Cooperation Agreement (Town of Livonia Fuel Depot)

J. Campbell explained to the Board that the prior agreement expired at the end of 2019. The agreement covers the shared use and maintenance of the Livonia Fuel Depot by the Town, Village, Lakeville Fire Department, Livonia Fire Department, Livonia Ambulance, Livonia Central School District and LCWSA. The only updates to the current agreement relate to the percentage that each party shall pay for any maintenance, upkeep, repair, etc. of the fuel depot – this is based on usage figures from the prior year. The term of the agreement is January 1, 2020 to December 31, 2021.

Motion: J. Deming moved and T. Saunders seconded to authorize the Executive Director to sign the updated Inter-municipal Cooperation Agreement (Authorizing the Shared Use and Maintenance of the Town of Livonia Fuel Depot), with a term of January 1, 2020 – December 31, 2021. Carried unanimously.

LCWSA Capital Projects

- **Lakeville WWTP Upgrades – Scope Modification/Potential Increase to 0% Loan Amt Projected Debt Charge – Review of Fiscal Advisors Analysis**

M. Baines and R. Lewis reviewed various Projected Debt Charge schedules (on file with Secretary) that have been developed by Fiscal Advisors, based on the following scenarios:

- Option 1 – Original Project Scope + UV Upgrades (previously approved by the Board on 1/29/20). Revised Loan Amount: \$4,792,210.
- Option 2 – Original Project Scope + UV Upgrades + All Additional Upgrades. Revised Loan Amount: \$7,707,606.
- Hybrid Option – Original Project Scope + UV Upgrades + Incremental Additional Upgrades. Revised Loan Amount: \$6,250,000.

Due to the magnitude of the potential increase with Option 2, the Board requested that a prioritized list be developed for the next board meeting of those items identified under “All Additional Upgrades”.

In order to meet a potential project advertisement date of December 2020/January 2021, M. Baines recommended that the Board make a decision at the June 24, 2020 Board meeting. This would allow final design to proceed between July 2020 and October 2020, concurrent with completion of those administrative items required by NYSEFC (e.g. amending SEQR, amending bonding resolution, etc.). Plans and specifications would then be submitted to the various regulatory agencies in November 2020.

- **IT Infrastructure Vulnerability Assessment/Cybersecurity Doc Development – Scope Modification + Budget Increase for “Disaster Recovery Plan”**

M. Baines and R. Lewis updated the Board that as the COVID-19 situation was evolving in late March/early April, LCWSA staff began to further evaluate how the organization would ensure continuity of operations, if the main administration building was inaccessible for an extended period of time. Based on discussions with LCWSA’s IT consultant, it was recommended that some additional computer equipment be purchased and set up offsite in case of an emergency as part of LCWSA’s “Disaster Recovery Plan”. This was a preferred option to potentially trying to lease equipment that may not be available for exclusive use by LCWSA if there was a widespread emergency in the area. Total cost of the equipment is approximately \$3,700.00. M. Baines and R. Lewis recommended that the Board amend the current capital project to include the purchase of IT equipment to support’s LCWSA Disaster Recovery Plan.

Motion: T. Anderson moved and E. Gott seconded to amend capital project 31139 “IT Infrastructure Vulnerability & Risk Assessment” to include purchase of “Disaster Recovery Plan” IT equipment, and increase the project budget from \$10,000.00 to \$15,000.00.

Communication

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

- Coronavirus Aid, Relief, and Economic Security (CARES) Act – Impact on Retirement Plan Distributions:
 - April 2, 2020 Burke Group Notice and Supplement
 - April 3, 2020 Memorandum from Robert F. Pizzo (401a Plan)
- “DOL Guidance Implementing Federal Coronavirus Leave Laws” (Dated April 2020, Issued by Webster Szanyi LLP on April 3, 2020), + Follow-up Email dated April 14, 2020.

Executive Session

Motion: E. Gott moved and J. Deming seconded that the Board adjourn and reconvene in Executive Session at 10:30 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 T. Anderson act as Secretary. Carried unanimously.

Motion: E. Gott moved and J. Deming seconded to end the Executive Session at 10:45 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 April 22, 2020

M. McKeown

T. Anderson, Secretary

Motion: T. Anderson moved and S. Beardsley seconded that based on the Executive Director's annual performance evaluation conducted by the Board and in accordance with Paragraph 3 of the employment agreement between LCWSA and Michelle Baines, the annual salary of the Executive Director be increased to \$103,500.00, effective April 17, 2020 (anniversary date). Carried unanimously.

Adjourn: Motion: S. Beardsley moved and T. Anderson seconded to adjourn the Board meeting at 10:53 am. Carried unanimously.