

Members Attending: M. McKeown, T. Anderson, S. Beardsley, E. Gott, T. Saunders

Excused: J. Deming

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 – May 27, 2020 Regular Board Meeting

Motion: *T. Saunders moved and T. Anderson seconded to approve regular board meeting minutes dated May 27, 2020. Carried unanimously.*

Open Public Hearing (8:05 am) – **Motion:** *T. Anderson moved and S. Beardsley seconded to open the public hearing on the proposed “Non-Access Fee”. Carried unanimously.*

M. McKeown asked if anyone wished to speak at the public hearing.

Jim Kemp (Village of Livonia Resident) stated that the legal notice in the newspaper did not provide a detailed explanation on the fee and therefore he was requesting some additional information. M. Baines indicated that LCWSA may periodically require access/entry to private property to conduct inspections, and these inspections may include but are not limited to inspections of: LCWSA owned equipment (e.g. water meters), property modifications that may impact the number of assessed billing units per LCWSA’s unit definition, potential cross-connections, potential illicit connections to the water and/or sewer system, etc. If customers fail to provide access to their property, LCWSA is proposing to assess a \$100.00 “Non-Access Fee”. Separate from the adoption of the fee, the Board will be reviewing and approving a corresponding procedure/flowchart on the actual assessment of the fee.

The Board left the public hearing open and continued with the agenda.

Privilege of the Floor – None.

Financial Report: R. Lewis reviewed the May 2020 Financial Report with the Board (on file with Secretary). R. Lewis updated the Board that the Request for Proposal (RFP) for independent financial auditing services (3-year contract period w/ option to extend for two (2) additional 1-yr periods) was sent to five (5) qualified firms. The proposal submittal deadline is July 7, 2020, and it is anticipated that interviews will be conducted the week of July 13, 2020, to allow for a recommendation of award to be made at the July 22, 2020 Board meeting.

Motion: *T. Anderson moved and S. Beardsley seconded to approve the May 2020 Financial Report. Carried unanimously.*

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

- **Review of 401(a)/457(b) Deferred Compensation Plans – Revised Engagement Letter (Bonadio & Co., LLP)**

M. Baines and R. Lewis updated the Board that based on a more detailed review of Section 9005.1 (Auditing, Bonding and Insurance) of the Rules & Regulations of the New York State Deferred Compensation Board, LCWSA is not required to have a full audit conducted of its Deferred Compensation Plans, as there are less than 100 plan participants. Instead, a certified public accounting firm can conduct an agreed-upon procedures report of specific administrative procedures. The Board reviewed the revised engagement letter (on file with Secretary) prepared by Bonadio & Co., LLP, to complete the reduced scope of work, for a fee of \$3,400.00. This would supersede the original audit engagement letter that was approved at the February 26, 2020 Board Meeting for a fee of \$6,500.00.

Motion: T. Anderson moved and S. Beardsley seconded to retain Bonadio & Co., LLP, to conduct an agreed-upon procedures report of LCWSA's Deferred Compensation Plans in lieu of a full audit, for a revised fee of \$3,400.00, and to authorize the Chairman and the Executive Director to sign the revised Engagement Letter. Carried unanimously.

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

Motion: T. Anderson moved and E. Gott seconded to approve paying Total Operating & Projects Expenditures in an amount not to exceed \$109,634.84. Carried unanimously.

Motion: T. Anderson moved and S. Beardsley seconded to approve paying the bills for Total Utilities & Miscellaneous expenditures in an amount not to exceed \$135,505.55. Carried unanimously.

Operations and Capital Report

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

Other Business

- **COVID-19 Impacts - Update & Discussion**

M. Baines provided a brief update that LCWSA field staff resumed “non-emergency” customer service appointments on June 1, 2020. Customers continue to be screened for COVID-19 symptoms and field staff are wearing protective personal equipment (PPE) during these appointments.

- **I/I Study (EFC EPG Project No 92730)**

- **Sanitary Sewer Cleaning and Televising – Bid Results & Award Recommendation**

E. Wies updated the Board that a total of three (3) bids were received and the apparent low bidder is National Water Main Cleaning Company, with a bid of \$171,987.50. E. Wies noted that the project involves cleaning and televising approximately 34,000 linear feet of larger diameter trunk sewers within the Lakeville WWTP service area. Approximately \$38,000 of the \$100,000 Engineering Planning Grant (EPG) was earmarked for sanitary sewer cleaning and televising. The Board consensus is to increase the project budget/local share to cover the additional cost to complete the larger scope of work. M. Baines and E. Wies recommended that the Board postpone the award of the project until the July 22, 2020 Board Meeting, to allow for CPL and LCWSA staff to complete their bid review.

- **Smoke Testing – Review of Quotes Received & Award Recommendation**

E. Wies indicated that CPL received four (4) proposals to conduct a smoke testing study in the Hamlet of Hemlock, which has been identified as a “priority” area for reducing infiltration/inflow. The quotes ranged from \$12,150.00 to \$25,200.00. Based on a review of

the quotes and the qualifications of the various firms, CPL is recommending that the project be awarded to JM Davidson Engineering, D.P.C., with a fee of \$15,550.00.

RESOLUTION NO. 2020 - 07 AWARDING HAMLET OF HEMLOCK SMOKE TESTING STUDY (I/I STUDY – EFC EPG PROJECT NO 92730) TO JM DAVIDSON ENGINEERING, D.P.C.

WHEREAS, on behalf of the Livingston County Water & Sewer Authority (LCWSA), Clark Patterson Lee has solicited proposals from qualified firms for the completion of a smoke testing study in the Hamlet of Hemlock; and

WHEREAS, Clark Patterson Lee has completed a review of the four (4) proposals that were received and has assembled a proposal review letter, dated June 22, 2020; and

WHEREAS, JM Davidson Engineering D.P.C., having an address of 525 Wheatfield Street, Suite 20, North Tonawanda, New York 14120, has been identified as the firm with the most relevant qualifications and experience to complete the work, and their estimated fee of \$15,550.00 is a reasonable representation of the level of effort needed to complete the services requested; and

WHEREAS, the Livingston County Water & Sewer Authority (LCWSA) Board has reviewed the proposal review letter and accepts the recommendation of award; NOW THEREFORE BE IT

RESOLVED, that the LCWSA Board hereby authorizes the Executive Director to sign a contract with JM Davidson Engineering D.P.C. for the Hamlet of Hemlock Smoke Testing Study, in the amount of \$15,550.00, subject to review by the LCWSA Attorney.

Motion: E. Gott moved and S. Anderson seconded to approve Resolution No. 2020 – 07 Awarding Hamlet of Hemlock Smoke Testing Study (I/I Study EFC EPG Project No. 92730) to JM Davison Engineering D.P.C., for a fee of \$15,550.00. Carried unanimously.

- Amend Project Budget (\$120,000 → \$215,000)

Motion: E. Gott moved and S. Beardsley seconded to authorize the increase in budget for I/I Study (EFC EPG Project No 92730) from \$120,000 to \$215,000, to allow for the completion of the additional sanitary sewer televising and cleaning work. Carried unanimously.

▪ **LCWSA Capital Projects**

- **2020 CIP – Pump Station Roof Replacement (P31143) – Bid Results & Award Recommendation + Amend Capital Project Budget (\$100,000 → \$240,000)**

E. Wies updated the Board that a total of three (3) bids were received, with bids ranging from \$222,652.00 to \$859,800.00. The lowest, responsible, responsive bidder is R.B. Brock Construction with a bid of \$222,652.00. When the 2020 CIP was adopted back in January 2020, the original project scope included installation of new pitched metal roofs on seven (7) pump stations, with a budget of \$100,000. At the Board’s request, the scope was expanded to include all remaining flat pump station roofs (16 total). LCWSA staff also requested that the existing shingles on seven (7) buildings be replaced due to condition concerns. Based on the bid amount, the Board consensus is to increase the project budget to cover the additional cost to complete the larger scope of work.

RESOLUTION NO. 2020 - 08 AWARDING BID FOR PUMP STATION ROOF REPLACEMENT (P31143) TO R.B. BROCK CONSTRUCTION

WHEREAS, after proper legal advertisement for bids for Pump Station Roof Replacement (P31143), three (3) bids were received, then publicly opened and read aloud on June 11, 2020; and

WHEREAS, Clark Patterson Lee has completed a review of the bids and has assembled a bid review letter, dated June 17, 2020; and

WHEREAS, R.B. Brock Construction, having an address of 3802 Main Street, Wadsworth, New York 14533, has been identified as the lowest, responsible, responsive bidder with a total bid amount of \$222,652.00; and

WHEREAS, the Livingston County Water & Sewer Authority (LCWSA) Board has reviewed the bid review letter and accepts the recommendation of award; NOW THEREFORE BE IT

RESOLVED, that the LCWSA Board hereby authorizes the Executive Director to sign a contract with R.B. Brock Construction for Pump Station Roof Replacement (P31143) in the amount of \$222,652.00, subject to review by the LCWSA Attorney.

Motion: E. Gott moved and T. Saunders seconded to approve Resolution No. 2020 – 08 Awarding Bid for Pump Station Roof Replacement (P31143) to R.B. Brock Construction, in the amount of \$222,652.00. Carried unanimously.

Motion: E. Gott moved and S. Beardsley seconded to authorize the increase in budget for Project P31143 – Pump Station Roof Replacement, from \$100,000 to \$240,000, to allow for the completion of the additional pump station roof replacement work. Carried unanimously.

o **2020 CIP – South Livonia Water Services (P31144) – Bid Results & Award Recommendation + Amend Capital Project Budget (\$150,000 → \$270,000)**

E. Wies updated the Board that a total of three (3) bids were received, with bids ranging from \$249,750.00 to \$584,716.00. The lowest, responsible, responsive bidder is Blue Heron Construction with a bid of \$249,750.00. E. Wies did note that the bid amount was above the Engineer’s Estimate, but the bid did include approximately \$35,000 for test excavations and a \$10,000 allowance for “additional fittings” that may be needed. Any amount not used under the pay items will be credited back to LCWSA. The project also includes the replacement of three (3) automatic flushers in the South Avon service area for \$19,500.00.

RESOLUTION NO. 2020 - 09 AWARDING BID FOR SOUTH LIVONIA WATER SERVICES (P31144) TO BLUE HERON CONSTRUCTION, INC.

WHEREAS, after proper legal advertisement for bids for South Livonia Water Services (P31144), three (3) bids were received, then publicly opened and read aloud on June 11, 2020; and

WHEREAS, Clark Patterson Lee has completed a review of the bids and has assembled a bid review letter, dated June 17, 2020; and

WHEREAS, Blue Heron Construction, Inc., having an address of 9289 Bonta Bridge Road, Jordan, New York 13080, has been identified as the lowest, responsible, responsive bidder with a total bid amount of \$249,750.00; and

WHEREAS, the Livingston County Water & Sewer Authority (LCWSA) Board has reviewed the bid review letter and accepts the recommendation of award; NOW THEREFORE BE IT

RESOLVED, that the LCWSA Board hereby authorizes the Executive Director to sign a contract with Blue Heron Construction, Inc for South Livonia Water Services (P31144) in the amount of \$249,750.00, subject to review by the LCWSA Attorney.

Motion: E. Gott moved and T. Anderson seconded to approve Resolution No. 2020 – 09 Awarding Bid for South Livonia Water Services (P31144) to Blue Heron Construction, Inc., in the amount of \$249,750.00. Carried unanimously.

Motion: E. Gott moved and T. Anderson seconded to authorize the increase in budget for Project P31144 – South Livonia Water Services, from \$150,000.00 to \$270,000.00.

○ **Lakeville WWTP Upgrades – Scope Modification/Potential Increase to 0% Loan Amount (NYSEFC C8-6449-05-00)**

M. Baines noted that the Board packet included all information that had been previously presented regarding the following potential loan options:

- 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.

After extensive discussion, the Board consensus was to proceed with Option 2.

Motion: E. Gott moved and T. Anderson seconded to authorize increasing the 0% loan amount on the Lakeville WWTP Upgrades Project (NYSEFC C8-6449-05-00) from \$4,303,960.00 to \$7,707,606.00 and directing staff to notify NYS Environmental Facilities Corporation of the decision. Carried unanimously.

○ **County Wide Water System Improvements (DWSRF Project No. 18746) - RFP Engineering Services – Consultant Selection**

M. Baines reminded the Board that the decision on selecting a consultant for Phase 1 of the project was tabled at the May 27, 2020 Board meeting to allow LCWSA staff to complete a more thorough review of the proposals. This review is now complete, and LCWSA staff is recommending that the professional engineering services contract be awarded to Clark Patterson Lee (CPL).

RESOLUTION NO. 2020 - 10 AWARDING PROFESSIONAL ENGINEERING SERVICES CONTRACT TO CLARK PATTERSON LEE FOR: NYSEFC DWSRF PROJECT NO. 18746 – COUNTY WIDE WATER SYSTEM IMPROVEMENTS

WHEREAS, in September 2019, the Livingston County Water & Sewer Authority (LCWSA) submitted a grant application through the NYS Water Infrastructure Improvement Act (WIIA) Program to complete various water system improvements under one project entitled “County Wide Water System Improvements” with a total project budget of \$7,000,000; and

WHEREAS, the major components of this project consist of (1) ARS Water Transmission Main extension, (2) Groveland Station Interconnection, (3) SCADA System Improvements, (4) Water Quality System Improvements, (4) New Shelly Road Water Storage Tank, and (5) Water Meter Replacement; and

WHEREAS, in December 2019, the Authority was notified by the NYS Environmental Facilities Corporation (EFC) that it was awarded a WIIA grant in an amount not-to-exceed \$3,000,000; and

WHEREAS, LCWSA has also entered into an Administrative Order (AO) on Consent with the US Environmental Protection Agency, due to repeated exceedances of the maximum contaminant level for disinfection by-products in the Groveland Station area of the Authority's Consolidated Water District; and

WHEREAS, the AO establishes a schedule to complete certain capital improvements, and LCWSA proposes to proceed with these improvements as part of Phase 1 of the larger County Wide Water System Improvements Project; and

WHEREAS, LCWSA solicited proposals from five (5) qualified firms to provide professional engineering services to complete Phase 1; and

WHEREAS, five (5) proposals were received by the submittal deadline of May 22, 2020 at 4:00 pm; and

WHEREAS, LCWSA staff has evaluated the proposals in accordance with the criteria and corresponding weighting identified in the Request For Proposal (RFP), which included: Firm Qualifications (15%), Relevant Experience of Project Team (30%), Project Understanding/Approach (30%), MWBE & SDVOB Participation Plan (10%), References (10%), and Fee (5%); and

WHEREAS, Clark Patterson Lee (CPL), having an address of 205 Saint Paul Street, Suite 500, Rochester, NY 14604, was determined to have the highest scoring proposal; and its estimated fee of \$191,715 for Phase 1 is a reasonable representation of the level of effort needed to complete the services requested in the RFP; and

WHEREAS, LCWSA staff recommends awarding the professional engineering services contract to CPL; and

WHEREAS, the LCWSA Board accepts the recommendation of award; NOW THEREFORE BE IT

RESOLVED, that the LCWSA Board hereby authorizes the Executive Director to sign an agreement with CPL for Professional Engineering Services in connection with NYSEFC DWSRF Project No. 18746: County Wide Water System Improvements, subject to review by the LCWSA Attorney.

Motion: E. Gott moved and T. Anderson seconded to authorize Resolution No. 2020 – 10 Awarding Professional Engineering Services Contract to Clark Patterson Lee For: NYSEFC DWSRF Project No. 18746 County Wide Water System Improvements, for a fee of \$191,715.00 to complete Phase 1. Carried unanimously.

Communications

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

- Proposed Town of Groveland Water District No. 1 – Informational Letter prepared by CPL, dated May 29, 2020.

- Laker News Summer 2020 Edition – “Water & Sewer Authority Update” re: Creation of Steering Committee to help guide Infiltration and Inflow (I/I) Reduction Program.

Under Communications, M. Baines informed the Board that the Livingston County Office of Workforce Development had sent information to LCWSA regarding the 2020 Livingston Youth Employment Program, and there may be an opportunity to utilize one or two individuals this Summer to provide assistance to LCWSA staff. In order to participate in the program, LCWSA will be required to enter into an agreement with Livingston County.

Motion: S. Beardsley moved and E. Gott seconded to authorize the Executive Director to enter into an agreement with Livingston County to participate in the 2020 Livingston Youth Employment Program. Carried (4 voting in favor, T. Saunders abstaining).

Close Public Hearing - Motion: S. Beardsley moved and E. Gott seconded to move to close the public hearing on the proposed “Non-Access Fee”. Carried unanimously.

RESOLUTION NO. 2020-11 ADOPTING “NON-ACCESS FEE”

WHEREAS, Livingston County Water & Sewer Authority (LCWSA) staff may periodically require access/entry to private property to conduct inspections; and

WHEREAS, these inspections may include but are not limited to inspections of: LCWSA owned equipment (e.g. water meters), property modifications that may impact the number of assessed billing units per LCWSA’s unit definition, potential cross-connections, potential illicit connections to the water and/or sewer system, etc.; and

WHEREAS, where customers fail to provide access to their property, LCWSA is proposing to assess a \$100.00 “Non-Access Fee” (per quarter); and

WHEREAS, notice of the public hearing regarding the proposed fee was provided in accordance with Section 1199-yyy of the Public Authorities Law; and

WHEREAS, the public hearing was held on June 24, 2020, to hear comments on the proposed fee; NOW THEREFORE BE IT

RESOLVED, that the Livingston County Water & Sewer Authority (LCWSA) Board adopts the “Non-Access Fee” at \$100.00 per quarter, effective June 24, 2020.

Motion: E. Gott moved and T. Saunders seconded to approve Resolution No. 2020 – 11 Adopting Non-Access Fee. Carried unanimously.

Review & Approval of Customer Billing Procedure re: Increase/Decrease in Water/Sewer Units
The Board reviewed the draft procedure flowchart (on file with Secretary).

Motion: T. Anderson moved and T. Saunders seconded to approve the Customer Billing Procedure re: Increase/Decrease in Water/Sewer Units, which includes assessment of a “Non-Access Fee” for customers who fail to provide access to their property to allow LCWSA to complete the necessary inspections . Carried unanimously.

Executive Session

Motion: T. Anderson moved and T. Saunders seconded that the Board adjourn and reconvene in Executive Session at 10:15 am for the purpose of discussing contract negotiations; and that M. McKeown act as Chairman and T. Anderson act as Secretary. Carried unanimously.

Motion: T. Anderson moved and T. Saunders seconded to end the Executive Session at 11:20 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 June 24, 2020

M. McKeown

T. Anderson, Secretary

Adjourn: Motion: S. Beardsley moved and M. McKeown seconded to adjourn the Board meeting at 11:30 am. Carried unanimously.