

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

Excused: J. Deming, 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), J. Campbell (Kruk & Campbell, P.C.)

Call to Order – With a quorum present, Chairman M. McKeown called the meeting to order at 8:04 am.

Approval of Agenda

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

Approval of Minutes – June 24, 2020 Regular Board Meeting

Motion: *E. Gott moved and T. Saunders seconded to approve regular board meeting minutes dated June 24, 2020. Carried unanimously.*

Privilege of the Floor – None.

Financial Report: R. Lewis reviewed the June 2020 Financial Report with the Board (on file with Secretary). R. Lewis noted that Bonadio & Co., LLP was in the process of finalizing their report regarding their review of the LCWSA's Deferred Compensations Plans. One of their observations related to establishing a consistent and practical period with the third-party administrator (Burke Group) between the end of the payroll period and when contributions are remitted to the Trust. R. Lewis also provided an update that LCWSA has been formally notified by EFC that the first short-term principal payment for the Lakeville WWTP Upgrades Project (EFC C8-6449-05-00) is due September 1, 2020, in the amount of \$67,000.00.

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

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

- **Independent Financial Auditing Services – Selection of Firm**

R. Lewis and M. Baines updated the Board that a total of four (4) proposals were received by the July 7, 2020 submittal deadline. LCWSA staff reviewed the proposals and conducted interviews with three (3) firms: Bonadio & Co, LLP, Insero & Co, and Mengel Metzger Barr & Co. This information has been reviewed with the Audit & Finance Committee, and it is recommended that LCWSA retain Bonadio & Co., LLP, for the independent financial auditing services contract.

RESOLUTION NO. 2020 – 12 AWARDING INDEPENDENT FINANCIAL AUDITING SERVICES CONTRACT TO BONADIO & CO., LLP

WHEREAS, New York Public Authorities Law requires all Public Authorities to conduct an annual financial audit, and the Livingston County Water & Sewer Authority's (LCWSA) existing auditing services contract with Bonadio & Co., LLP, ended on December 31, 2019; and

WHEREAS, LCWSA solicited proposals from five (5) qualified firms to audit its financial statements for the fiscal years ending December 31, 2020, 2021 and 2022, a three-year period, which may be renewed, upon the same terms and conditions, at LCWSA's sole option for two (2) additional one (1) year Fiscal Year periods which end respectively on December 31, 2023 and December 31, 2024; and

WHEREAS, the selected firm will also be charged with the annual review of LCWSA's 457(b) and 401(a) Deferred Compensation Plans; and

WHEREAS, four (4) proposals were received by the submittal deadline of July 7, 2020 at 4:00 pm; and

WHEREAS, LCWSA staff has evaluated the proposals in accordance with the criteria identified in the Request For Proposal (RFP), and conducted interviews with the three (3) firms that were shortlisted; and

WHEREAS, Bonadio & Co., LLP ("Bonadio"), having an address of 171 Sully's Trail, Pittsford, NY 14534, was determined to rank highest among the three (3) firms; and its proposed fee of \$46,200 (see attached Proposal Price Sheet) for the 3-year contract period, 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 independent financial auditing services contract to Bonadio; 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 Bonadio for Independent Financial Auditing Services for a 3-year period (FY ending 12/31/20, 12/31/21, 12/31/22), which may be renewed, upon the same terms and conditions, at LCWSA's sole option for two (2) additional one (1) year FY periods which end respectively on 12/31/23 and 12/31/24.

Motion: E. Gott moved and S. Beardsley seconded to approve Resolution 2020 – 12 Awarding the Independent Financial Auditing Services Contract to Bonadio & Co., LLP. Carried unanimously.

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

Motion: E. Gott moved and T. Saunders seconded to approve paying Total Operating & Projects Expenditures in an amount not to exceed \$82,379.80 . Carried unanimously.

Motion: S. Beardsley moved and E. Gott seconded to approve paying the bills for Total Utilities & Miscellaneous expenditures in an amount not to exceed \$274,893.46 . Carried unanimously.

Operations and Capital Report

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

- **31138 SCADA System Improvements - Scope Modification, Budget Increase (\$50,000 → \$60,000), & Review & Approval of Colacino Industries, Inc. Proposal for Adams Rd PS Upgrades**
M. Kosakowski and M. Baines reminded the Board that the current scope of Project 31138 comprises the comprehensive evaluation of LCWSA's overall SCADA system, which is currently being conducted by Colacino Industries, Inc. Recently, significant communication loss issues have developed at the Adams Road Pumping Station which requires more immediate attention and cannot wait until the overall evaluation is completed, which may still be a few months from now. It is recommended that the

site be converted from radio communications to the more reliable cellular based communications. Colacino Industries, Inc. has provided a quote in the amount of \$6,983.82, which LCWSA staff believes to be a reasonable representation of the level of effort needed to complete the work.

Motion: E. Gott moved and T. Saunders seconded to: (1) modify the scope of Project 31138 to include Adams Rd SCADA System Upgrades, (2) increase project budget from \$50,000.00 to \$60,000.00 to cover the additional work; and (3) authorize Colacino Industries, Inc., to proceed with the above mentioned work for a fee of \$6,983.82. Carried unanimously.

Other Business

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

M. Baines noted that the Board had previously approved temporarily waiving late fees, “Non-Working Meter Fees”, and “Meter Replacement Non-Compliance Fees”, for Q2 Billing (Service Period: February/March/April 2020, Bills sent out in early May), due to the pandemic . Based on payments received to date, most customers still paid within the standard 30-day timeframe from when bills were sent out. Customer service appointments also resumed on June 1, which has allowed LCWSA to complete water meter changeouts. Therefore, the consensus of the Board was to finalize Q3 bills (to be sent out in early August) in accordance with the existing fee structure and schedule.

▪ **I/I Study (EFC EPG Project No 92730) Sanitary Sewer Cleaning and Televising – Bid Results & Award Recommendation**

M. Baines reminded the Board that award of the project was tabled at the July 22, 2020 Board meeting to allow CPL and LCWSA staff to complete their bid review. That review is now complete and the lowest, responsible, responsive bidder has been identified as National Water Main Cleaning Company, with a bid of \$171,987.50, to clean and televise 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.

RESOLUTION NO. 2020 – 13 AWARDED BID FOR SANITARY SEWER CLEANING AND TELEVISIONING (I/I STUDY – EFC EPG PROJECT NO 92730) TO NATIONAL WATER MAIN CLEANING COMPANY

WHEREAS, after proper legal advertisement for bids for Sanitary Sewer Cleaning and Televising (I/I Study – EFC EPG Project No 92730), 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, National Water Main Cleaning Company, having an address of 25 Marshall Street, Canton, Massachusetts 02021, has been identified as the lowest, responsible, responsive bidder with a total bid amount of \$171,987.50; 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 National Water Main Cleaning Company for Sanitary Sewer Cleaning and Televising (I/I Study – EFC EPG Project No 92730) in the amount of \$171,987.50, subject to review by the LCWSA Attorney.

Motion: S. Beardsley moved and E. Gott seconded to approve Resolution No. 2020 – 13 Awarding bid for Sanitary Sewer Cleaning and Televising (I/I study – EFC EPG project no 92730) to National Water Main Cleaning Company, in the amount of \$171,987.50. Carried unanimously.

LCWSA Capital Projects

- **31127 I/I Reduction Project (Manhole Rehabilitation) + 31131 Pennemite Rd Manhole Installation – Bid Results & Award Recommendation + Amend Project Budgets**
E. Wies updated the Board that the above manhole work was bid out as a single contract, with Base Bid A + C comprising the work that is required as part of Compliance Directive IID in the NYSDEC Consent Order, and Base Bid B encompassing new manholes on Pennemite Rd, a project that was approved as part of LCWSA’s 2020 Capital Program. Although a total of three (3) bids were received, the bid from Fineline Pipeline Inc. was deemed to be incomplete and they did not bid on Base Bid A or C. The two (2) remaining bids were \$199,700.00 to \$224,050.00. The lowest, responsible, responsive bidder has been identified as Arold Construction Co. with a bid of \$199,700.00. In order to complete this work, it will be necessary to increase the project budget of Project 31127 from \$250,000 to \$290,000 and Project 31141 from \$75,000 to \$110,000.

RESOLUTION NO. 2020 – 14 AWARDED BID FOR COMPLIANCE DIRECTIVE II.D MANHOLE REHABILITATION TO AROLD CONSTRUCTION COMPANY, INC.

WHEREAS, after proper legal advertisement for bids for Compliance Directive II.D Manhole Rehabilitation, three (3) bids were received, then publicly opened and read aloud on July 16, 2020; and

WHEREAS, Clark Patterson Lee has completed a review of the bids and has assembled a bid review letter, dated July 20, 2020; and

WHEREAS, Arold Construction Company, Inc., having an address of 51 Powder Mill Bridge Road, Kingston, New York 12401, has been identified as the lowest, responsible, responsive bidder with a total bid amount of \$199,700.00; 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 Arold Construction Company, Inc., for Compliance Directive II.D Manhole Rehabilitation, in the amount of \$199,700.00, subject to review by the LCWSA Attorney.

Motion: E. Gott moved and S. Beardsley seconded to approve: (1) Resolution No. 2020 – 14 Awarding Bid for Compliance Directive II.D Manhole Rehabilitation to Arold Construction Co., Inc., in the amount of \$199,700.00, and (2) to increase project budgets as follows: Project 31127 from \$250,000 to \$290,000, Project 31141 from \$75,000 to \$110,000. Carried unanimously.

- **31144 South Livonia Water Services - SEQR Determination**
M. Baines informed the Board that as part of securing a NYSDOT Highway Work Permit for work on South Livonia Road (NYS Route 15), the NYSDOT requires proof that the Owner has completed the SEQR process for the project. The following resolution designates the project as a Type II action (maintenance-type activity), with no significant impact on the environment.

RESOLUTION NO. 2020 – 15 SEQR DETERMINATION (Type II) FOR SOUTH LIVONIA WATER SERVICES PROJECT (P31144)

WHEREAS, the Livingston County Water & Sewer Authority (LCWSA) will be proceeding with the replacement of existing water service saddles (Proposed Action) along portions of Shelly Road and South Livonia Road (NYS Route 15), and

WHEREAS, in accordance with provisions of 6 NYCRR Part 617 (SEQRA), specifically Part 617.5(c)(6), the Proposed Action is a Type II Action as it involves “street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities;” NOW THEREFORE

BE IT RESOLVED that this project has been determined not to have a significant impact on the environment and is not subject to further review under SEQRA.

Motion: E. Gott moved and T. Saunders seconded to approve Resolution No. 2020 – 15 SEQR Determination (Type II) for South Livonia Water Services Project (P31144). Carried unanimously.

Communications

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

- Potential Dates/Times for Joint Village of Livonia/LCWSA Board Meeting
- Receipt of Summons and Complaint: Jaclyn Corcoran against Livingston County Water and Sewer Authority, Dated June 29, 2020.

Executive Session

Motion: E. Gott moved and S. Beardsley seconded that the Board adjourn and reconvene in Executive Session at 9:15 am for the purpose of discussing information regarding proposed, pending or current litigation; and that M. McKeown act as Chairman and S. Beardsley act as Secretary. Carried unanimously.

Motion: E. Gott moved and T. Saunders seconded to end the Executive Session at 9:52 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 information regarding proposed, pending or current litigation, hereby reports as follows:
No action taken.

Dated July 22, 2020
M. McKeown
S. Beardsley, Secretary

Adjourn: Motion: E. Gott moved and S. Beardsley seconded to adjourn the Board meeting at 9:53 am. Carried unanimously.