

**WAYNE COUNTY WATER AND SEWER AUTHORITY  
BOARD MEETING MINUTES**

**Meeting of:** July 26, 2016

**Location:** Wayne County Water & Sewer Authority Operations Center, Walworth, New York

**Present:** David Lyon, LaVerne Blied, Jean Johnson, David Scudder, Dan LaGasse, Mark Humbert, Robert Hutteman, Rick Stevens

**Absent:** Mark Graf

**Advisors Present:** Michael Howard, Boylan Code

**Staff Present:** Martin J. Aman, Executive Director  
Jason Monroe, Director of Operations  
Demaris Verzulli, Secretary of the Meeting  
Sheryl LaDelfa, Accounting Manager (Financials portion only)

**Visitors:** None

Chairman David Lyon called the meeting to order at 4:00 p.m.

**I. Chairman's Report**

**Adoption of Minutes:** Mr. Blied moved, Mr. LaGasse seconded and all members present unanimously approved the following resolution:

RESOLVED, that the minutes of the June 28, 2016 meeting of the Wayne County Water and Sewer Authority be accepted with no changes.

**Correspondence:** None

**II. Treasurer's Report**

Ms. Johnson presented the warrant and bills.

After due discussion and deliberation, Mr. Scudder moved, Mr. Humbert seconded and all members present unanimously approved the following resolution:

RESOLVED, that the following statements are hereby authorized and directed to the Treasurer for payment: Water Authority Operational – (includes all) vouchers 16-850 to 16-982 totaling \$552,233.78.

Ms. Johnson presented the Financial Statements for the month of June. After due discussion and deliberation, Mr. Stevens moved, Mr. Hutteman seconded and all members present unanimously approved the following resolution:

RESOLVED, that the Wayne County Water and Sewer Authority's Monthly Financial Statements for June 2016 be approved and accepted.

### III. **Agenda Items**

#### **Legal Representation Discussion**

Mr. Howard reported that he is separating from Boylan, Code but wishes to continue to represent the Authority as general counsel. This is an amicable separation and Boylan, Code would represent the Authority as special counsel for such things as litigation. Mr. Howard presented an Engagement Letter to the board in regard to this change. At 4:10 p.m. Mr. Scudder moved, Mr. Hutteman seconded and all members present unanimously approved the following resolution:

RESOLVED, that the board enter into Executive Session to discuss potential litigation and the proposed Engagement Letter.

Discussion on the litigation ensued. Mr. Howard then recused himself from the meeting to allow the board to discuss the proposed Engagement Letter. Discussion ensued. Mr. Aman invited Mr. Howard into the meeting and discussion continued. At 4:36 p.m. Mr. Stevens moved and Mr. Scudder seconded and all members present unanimously approved the following resolution:

RESOLVED, that the board return to open session.

Mr. Monroe entered the meeting; Mr. Hutteman left the meeting. After due discussion and deliberation, Mr. Scudder moved, Mr. Humbert seconded and all members present unanimously approved the following resolution:

RESOLVED, to authorize and approve the engagement of Boylan Code, LLP as special counsel to the Authority for employment law, litigation and other specified matters, effective as of August 1, 2016, in accordance with the Amended And Restated Engagement Letter, dated July 18, 2016 (a copy of which is attached hereto); and

BE IT FURTHER RESOLVED, to authorize and approve the engagement of Michael A. Howard, Esq. as general counsel to the Authority for general corporate, procurement, contracting, permitting and other specified matters, effective as of August 1, 2016, in accordance with the Engagement Letter, dated July 20, 2016 (a copy of which is attached hereto); and

BE IT FURTHER RESOLVED, to authorize and approve the transfer of control/access to the Authority's records currently maintained by Boylan Code LLP to Mr. Howard in accordance with the authorization letter (a copy of which is attached hereto); and

BE IT FURTHER RESOLVED, that the Executive Director be authorized and directed to execute such documents on behalf of the Authority and to take such further action as is necessary to effect the intention of these Resolutions.

#### **Marion Water Project – Southeast Quadrant**

Mr. Monroe reported that approximately 24,300 feet of water main has been installed, and 75% of that has been watered up, most of which has been approved. One finished section awaits pressure testing and sampling. All the planned directional drills have been completed. Approximately half of the project is complete and crews have begun to install water services in the project area.

#### **Port Bay Sewers Update**

Mr. Aman reported that there was an informational meeting on the prior Friday, attended by some 120 people, who were interested and asked many questions. The engineers are now working on technical details of the project. Mr. Aman spoke with the project engineer today, and learned that the Wolcott

Village Mayor has given the engineers permission to give the as-built drawings to the Authority, but these drawings are not yet complete. About a quarter of the individual easements have been obtained, but work on the common drive easements has not been started. The project is still scheduled for a late spring 2017 start.

### **Canandaigua Road Bridge Project – Macedon - CSX Rail crossing**

Mr. Monroe reported that invoices for all the expenses have been received with the exception of an invoice from CSX. Mr. Aman reported that the valves allowing full flow in the area have not been opened yet but will be when Dan DeMay, who is the employee in charge of balancing flows within the system, returns from vacation.

### **Town of Lyons Update**

Mr. Aman reported that the town hired Stuart Brown and MRB Group to apply for a grant for a system-wide water study to identify a lead project for water main replacement. They hope to hear soon. Water usage has been stable although escalated because of the current drought conditions.

### **McAlpin/Wayne County IDA Water Main**

Mr. Aman reported that the Wayne County IDA has voted to provide assistance to McAlpin Industries, which is building a manufacturing and sports facility on Route 441 in the Town of Walworth, in the form of funding up to \$40,000 for the installation of water main, hydrants and appurtenances within the public right of way of Route 441 and/or dedicated to the Town of Walworth within the project. The IDA has asked that the Authority install this water main. After due discussion and deliberation, Mr. Scudder moved, Mr. Humbert seconded and all members present unanimously approved the following resolution:

RESOLVED, that the Director of Operations be authorized to direct a crew to install water main for the McAlpin Industries/Your Sports Depot project at 856 Route 441 in the Town of Walworth, for a project total of \$40,000, to be reimbursed by the Wayne County Industrial Development Agency.

### **Town/Village of Macedon Update**

Mr. Aman reported that some work has been done on the sewer pump stations in the town and the plant is running fine. The water main replacement project on Main Street (Route 31) has not been started because the highway permit has not been received from the NYSDOT. Crews helped the village DPW replace several hundred feet of water main on Bickford Street. This Thursday he will be attending a joint board meeting with the town and village in regard to capital charges, which the Authority will bill on behalf of the town.

### **Village of Red Creek Sewers**

Mr. Aman reported that there is nothing new to report on the current South Street project, but he has signed a letter of support for a proposed new low pressure sewer project on Canada Street.

### **Regional Water Storage Tank Update**

Mr. Aman reported that there was a productive meeting last week in Williamson. The participants discussed the alternative sites. The preferred site is off Route 88, adjacent to a site that is owned by the county and used for the radio towers. This project could include a transmission line between

Arcadia and Sodus along a stretch of Route 88 sparsely populated and unlikely to be affordable as part of a stand-alone water district. This would tie Sodus in as a potential supplier to Arcadia and the regional tank.

### **Town of Ontario Discussion**

Mr. Aman reported that the investigation in the town about misrepresenting water production and sales continues. He is confident that the Authority has not been overcharged since Authority personnel read the master meters and supply the Town of Ontario with the readings, and the bills are checked for accuracy before audit. Ontario Supervisor John Smith asked Mr. Aman if there was an agreement with the town for a reduced rate on analyzing water samples. There does not seem to be an agreement and a reduced rate was in effect before Mr. Aman came to the Authority. The town plans to begin billing the Authority per the town's adopted rate schedule, which is considerably higher than what the Authority currently pays. Mr. Aman will discuss a volume discount with Mr. Smith and obtain some costs from competing laboratories for discussion at the next board meeting.

### **Bunker Hill Water Tank Restoration**

Mr. Monroe reported that Martin Mroczek of MRB Group has examined all the bids received and recommends that the project be awarded to Utility Service Co., Inc., the low bidder at \$337,131. The paint crew with that contractor is the former Rockwood Corporation, which painted the Walworth tank very acceptably in 2011. After due discussion and deliberation, Mr. Scudder moved, Mr. Bliet seconded and all members present unanimously approved the following resolution:

WHEREAS, the Members of the Authority, in accordance with Article 8 of the Authority's Procurement Policy, make the following determinations: (i) the proposed awardee has been found to be responsible; (ii) the proposed awardee has complied with the Authority's Procurement Policy; (iii) the proposed awardee has disclosed all information required by the Authority's Procurement Policy; and (iv) the procurement process did not involve conduct that is prohibited by the Public Officers Law and the Authority's Procurement Policy.

THEREFORE, BE IT RESOLVED, that the Executive Director be authorized to accept the bid of \$337,131.00 (three hundred thirty seven thousand, one hundred thirty one dollars) from Utility Service Co., Inc. for the cleaning and painting of the 0.85 MG Town of Macedon Bunker Hill Water Tank, and to execute any necessary notices and approvals as required for this project to proceed.

### **Village of Sodus**

Mr. Aman reported that the chief wastewater operator for the Village of Sodus wastewater plant has left, and the village has not found a 3A operator to replace him. The village needs a 3A operator to sign the DEC reports for two months until their new operator can take the 3A examination. The village has asked Mr. Aman if an Authority plant operator could do this; ten hours per week is the required time for an operator to be at a plant and thus be able to sign reports. Authority employees Brian Bieda and Seth Galek both hold 3A licenses, but using them on weekends would be overtime. John Monahan, Chief Wastewater Plant Operator for the Town of Williamson, will soon be retiring and he has approached Mr. Aman about working per diem for the Authority. Although no arrangement with him has been finalized, Mr. Monahan would be a good candidate for filling in at the Village of Sodus for the Authority. Mr. Aman would like to arrange this if the board agrees. After due discussion and deliberation, Mr. Scudder moved, Mr. Bliet seconded and all members present unanimously approved the following resolution:

RESOLVED, that the Executive Director be authorized to negotiate and sign an agreement with the Village of Sodus to provide a part-time 3A Wastewater Treatment Plant Operator for

the purpose of meeting NYSDEC requirements, at a rate to cover the Authority's costs, contingent on the approval of the Authority's attorney Mr. Howard and the NYSDEC.

### **Monthly Report**

Mr. Monroe presented his monthly report. Authority employee Bryan Whipple has passed the examination for his 2A Wastewater Treatment license and should be considered for a raise. Mr. Aman added to the discussion that as in recognition of obtaining a license, the Authority has historically provide a compensation increase. After due discussion and deliberation, Mr. Blied moved, Mr. LaGasse seconded and all members present unanimously approved the following resolution:

RESOLVED, that the Board adopt the amended Schedule A, the Authority salary schedule for 2016.

There were no water breaks in the system this month. In the western service area one hydrant was replaced and nine new residential services were installed. In Macedon sewer operations, a new motor was installed on a clarifier, pump station maintenance continued and Siewert Equipment and Colacino Electric reviewed operation of all six sewer pump stations. In Palmyra Village operations, clarifier maintenance and restoration continued and the wet well at the West End pump station near Aqueduct Park was cleaned. At the Regional Plant, rotor maintenance was performed. The sewer jetter was run through all of Hope Village gravity sewers and Hope Village and Furnace Road pump stations were pumped out during routine maintenance

### **Miscellaneous Reports**

Mr. Aman reported that the MRB architectural group prepared a revised layout for the operations center addition. They are considering a basement area for storage, and the design of the vestibule area is still evolving. Mr. Blied suggested including a drive-through window for customer payments. A spring construction start is now being planned.

Mr. Aman reported that Paul Bringewatt has met with some more employees. After one more session in the second week of August, he will wrap up his report and present it to the board at the August or September meeting.

Mr. Aman reported that Mr. Hutteman, current Secretary of the Authority, has agreed to serve on the Finance Committee. After due discussion and deliberation, Mr. Blied moved, Mr. Humbert seconded and all members present unanimously approved the following resolution:

RESOLVED, that Robert Hutteman be appointed a member of the Finance Committee of the Wayne County Water and Sewer Authority.

Some farmers in the eastern service area asking for hydrant meters have been refused, since the system isn't designed for many large draws at the same time. Since the Village of Wolcott is not supplying the Authority with any water in the general eastern area, the Town of Williamson and Village of Sodus have increased their production and transmission to the Authority.

There being no further business to come before it, upon a motion by Mr. LaGasse, seconded by Mr. Blied, the meeting was adjourned 5:43 p.m.

Attachments to these minutes: Bolan, Code Amended and Restated Engagement Letter; Michael Howard Engagement Letter; Boylan, Code Authorization Letter re: transfer of control/access to the Authority's records

Respectfully submitted: \_\_\_\_\_  
Demaris Verzulli, Secretary of the Meeting