

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

Meeting of: June 25, 2019

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

Present: LaVerne Blik, Robert Hutteman, David Scudder, Mark Humbert, William Hammond, Donald Ross, Lori Furguson

Absent: Jean Johnson, Dan LaGasse

Advisors Present: Michael Howard, General Counsel

Staff Present: Martin J. Aman, Executive Director
Jason Monroe, Director of Operations
Derek Ceratt, Technical Director
Jessica Freling, Administrative Assistant
Demaris Verzulli, Secretary of the Meeting
Sheryl LaDelfa, Accounting Manager (Financials portion only)

Visitors: None

Chairman LaVerne Blik called the meeting to order at 4:00 p.m.

i. Chairman's Report

Dedication of Conference Room

Mr. Aman reminded the board of the plan to dedicate the main conference room in the expanded Operations Center to David Lyon and thanked those members who had been able to attend the reception preceding the meeting. On motion duly made by Mr. Hutteman and seconded by Mr. Ross, the following resolution was placed before the members of the Wayne County Water and Sewer Authority:

RESOLVED, that in recognition of the substantial contributions of David Lyon and his legacy of selfless service to the Wayne County Water and Sewer Authority over the course of his distinguished career, the Board of Directors of the Authority hereby dedicates the Authority's main conference room as the David C. Lyon Conference Room.

After due discussion and deliberation, the question of the adoption of the foregoing Resolution was duly put to vote on roll call, which resulted as follows:

Mr. Scudder	VOTING	Aye
Mr. Ross	VOTING	Aye
Ms. Furguson	VOTING	Aye
Mr. Humbert	VOTING	Aye
Mr. Hammond	VOTING	Aye
Mr. Hutteman	VOTING	Aye
Mr. Blik	VOTING	Aye

The Resolution was thereupon declared duly adopted.

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

RESOLVED, that the minutes of the May 28, 2019 meeting of the Wayne County Water and Sewer Authority be accepted with no changes.

Correspondence: None

II. Treasurer's Report

In the absence of Ms. Johnson, Ms. LaDelfa presented the warrant and bills. After due discussion and deliberation, Mr. Scudder moved, Ms. Furguson 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: Vouchers 19-972 to 19-1147 totaling \$451,542.33.

Ms. LaDelfa presented the Financial Statements for the month of May. After due discussion and deliberation, Mr. Humbert moved, Ms. Furguson seconded and all members present unanimously approved the following resolution:

RESOLVED, that the Wayne County Water and Sewer Authority's Monthly Financial Statements for May 2019 be approved and accepted.

III. Agenda Items

Western Regional WWTP Project Update

Conflict Waivers & Consent Forms: Mr. Howard explained that he has proposed these forms in an abundance of caution to address any potential conflicts that might result from the involvement of both himself and the firm of Boylan Code LLP in the participation of the Town of Walworth in the Regional Plant Project. Mr. Howard noted that his practice has been legally separated from his prior firm since 2016 and he no longer represents the Town in any capacity. After due discussion and deliberation, Mr. Scudder moved, Mr. Hutteman seconded and all members present unanimously approved the following resolution:

RESOLVED, that the Board of Directors of the Wayne County Water and Sewer Authority accepts the Conflict Waiver and Consent letter from Michael A. Howard, Esq, retroactive to June 1, 2019, and authorizes the Executive Director to execute and deliver the document to Mr. Howard.

In contrast, Mr. Howard explained that Boylan Code currently represents the Town as Town Attorney and acts as special counsel to the Authority on employment law and litigation matters. Accordingly, a conflict waiver executed by both the Town and the Authority is required for the firm to represent the Town with respect to the Town's potential participation in the regional project. Mr. Howard further explained that Boylan Code would be prohibited from representing either party and would defer to independent legal counsel in the event of an actual conflict (as would Mr. Howard, if requested by the Authority). After due discussion and deliberation, Mr. Humbert moved, Mr. Hammond seconded and all members present unanimously approved the following resolution:

RESOLVED, that the Board of Directors of the Wayne County Water and Sewer Authority accepts the Conflict Waiver and Consent letter from Boylan Code LLP, retroactive to June 1, 2019, and authorizes the Executive Director to execute and deliver the document to Boylan Code.

Walworth participation: Mr. Aman reported that the Walworth Town Board had voted the previous Thursday to authorize the Town Supervisor to sign the proposed Memorandum of Understanding (MOU) drafted by Mr. Howard and negotiated with the Participating Municipalities and the Town of Walworth that includes the potential participation of the town, and it is being circulated to the other participating towns for their approval. Mr. Howard reviewed the MOU that includes the following key provisions : Walworth will be allowed to participate assuming the existing financing and grants can be preserved; the participation shall not adversely affect any aspect of the participation of the other parties or the project schedule ; Walworth to be responsible for up to \$20,000 of additional costs involved even if the inclusion of the Town is unsuccessful. This change must first be accepted by the Environmental Facilities Corporation (EFC) which is currently considering whether it will be possible to preserve their existing funding, as well as by DEC. There is provision in the MOU for reimbursement by Walworth for additional costs incurred in pursuit of this determination up to a total of \$50,000. Mr. Howard advised that the Town must agree to join the project under the same conditions as the other participants, those including adopting a sewer use ordinance with a definition of EDUs and allocating the costs in the form of a tax that can be relieved if necessary. If the EFC and the DEC approve, this provides a clear path forward. Mr. Aman reported that it is still expected that the short term financing will close in September.

Mr. Aman requested authority to sign the MOU. After due discussion and deliberation, Mr. Humbert moved, Mr. Hutteman seconded and all members present unanimously approved the following resolution:

RESOLVED, that the Executive Director be authorized to execute and deliver the Memorandum of Understanding Regarding the Potential Participation of the Town of Walworth in the Wayne County Water and Sewer Authority's Western Regional Wastewater Treatment System Improvements Project.

There was discussion of the capacity of the proposed treatment plant. Mr. Aman informed the Board that reserve capacity has been designed in and the participation of Walworth should not cause a problem with the capacity that has already been committed to the Participating Municipalities. Should Walworth become a participant, the capacity of the plant would be increased to between 2.5 MGD and 3.0 MGD, depending on an engineering evaluation.

Resolution of Support: Mr. Aman reported that there was a new category for Water Quality Improvement Project (WQIP) grants and an application for these funds is being prepared. The Board must make a supporting resolution for the submission of this application. After due discussion and deliberation, Mr. Humbert moved, Ms. Furguson seconded and all members present unanimously approved the following resolution:

Resolution of Support from the WCWSA for the New York State Consolidated Funding Application, Water Quality Improvement Project Wastewater Treatment Improvements for the proposed Western Wayne County Regional Wastewater Treatment Plant:

WHEREAS, the Board of the Wayne County Water & Sewer Authority (WCWSA) supports the submission of a 2019 Consolidated Funding Application (CFA) on behalf of the WCWSA, for the Water Quality Improvement Project (WQIP) program, for the proposed Western Wayne County Regional Wastewater Treatment Plant; and

WHEREAS, the New York State Department of Environmental Conservation provides a competitive statewide reimbursement grant program for local governments, administered to directly address documented water quality impairments; and

WHEREAS, the Town of Macedon, Town of Marion, and Village of Palmyra each owns and operates a wastewater treatment facility that is in need of major capital improvements in the near or immediate future; and

WHEREAS, the WCWSA is planning to construct and operate a regional wastewater treatment plant (WWTP), located to the west of the existing Village of Palmyra WWTP, which

would service all three communities in a collaborative effort to replace aged, failing infrastructure while sharing capital costs; and

WHEREAS, if funding is received, it will enable the WCWSA to provide improved infrastructure in a cost-effective manner, elevating water quality for each of the involved communities, supporting growth and development in the area for years to come;

NOW THEREFORE BE IT RESOLVED, it is anticipated that the WCWSA Board of Directors, on behalf of the Authority, will complete the necessary actions to authorize expenditures for the proposed project, as well as authorizes Executive Director Martin J. Aman to execute necessary documents relative to and as required for the application; and

BE IT FURTHER RESOLVED, the WCWSA Board of Directors does hereby accept that they shall provide at least 60% match of the total of any grant funding awarded as a local match in the form of in-kind services or cash contributions hereby appropriated and obligated from financing of the project with a loan through NYS Environmental Facilities Corporation; and

BE IT FURTHER RESOLVED, that the WCWSA Board of Directors recognizes and fully supports the submission of a 2019 CFA for WQIP on behalf of the Authority for a wastewater treatment improvements project.

Regional Water Storage Tank Update

Mr. Aman reported that five of the six supervisors of towns participating had met with him and Chuck Bastian to review the financial situation with the recently negotiated \$3.1 million cap on the Town of Williamson's participation. Subsequently, some of the town boards have already passed resolutions to accept the revised financial arrangement. By mid-July it should be possible to proceed with the amended MOU. Mr. Aman had met with a representative of US Senator Charles Schumer's office, who reported that this project is right in line with the push for regional infrastructure. If all goes well, it might be possible to break ground in the late spring of 2020. There was discussion of the maintenance advantages of the pre-stressed concrete type of structure planned. Mr. Aman expects to present an Amended and Restated Memorandum of Understanding at the next board meeting.

Port Bay Sewers Update

Ms. Furguson reported that there had been an update meeting the past week with the contractor. The parts to modify the Village of Wolcott pump station/treatment plant have been ordered and the contractor hopes to catch up with the schedule when the installation proceeds to easier areas for construction. Mr. Monroe reported that a product issue with a lateral part is being resolved by the manufacturer, and an issue with an odor control station has been resolved.

Miscellaneous Water Projects

Arcadia WD 17: Mr. Aman reported that although recent heavy rains interfered with the cleanup process, washing away topsoil, he still expects a meeting on July 7 to declare substantial completion of the project.

Arcadia WD 16: Mr. Aman reported that he is hopeful for a preconstruction meeting on July 2 and a construction start on July 15. Mr. Monroe reported that bids were received on June 24 for directional drilling for the Arcadia Water District No.16 and Mill Street Marion Project Phase 2. The low bidder, Randsco Pipeline, is new to the Authority but some municipalities the Authority works with have had good experience with that company. After due discussion and deliberation, Mr. Hutteman moved, Mr. Humbert 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 bid for directional drilling for the Arcadia Water District #16 and the Town of Marion Mill Street Project Phase 2 be awarded to Randsco Pipeline, Inc., of 672 Frey Road, Macedon, NY as follows:

The unit prices of \$85 per linear foot to bore and pull back approximately 2,104 linear feet of 8-inch HDPE pipe in earth; \$105 per linear foot to bore and pull back approximately 175 linear feet of 10-inch HDPE casing in earth with 6" HDPE carrier pipe; \$245 per linear foot to bore and pull back 8" HDPE pipe in rock should it be encountered; and \$300 per linear foot to bore and pull back 10-inch HDPE casing with 6" HDPE carrier pipe in rock should it be encountered.

Mill Street, Marion: Mr. Monroe reported that the county crew will be starting after the Authority work is finished; it is a congested traffic area in which it is challenging to work.

Miscellaneous Contract Updates

Village of Palmyra: Mr. Aman reported that Addendum No. 3 to the Water and Wastewater Operation and Maintenance Agreement had expired. He asked Mr. Howard to update what will be Addendum No. 4 to extend until the Western Regional plant is operational instead of the two years stipulated in previous addendums. After due discussion and deliberation, Mr. Hammond moved, Mr. Hutteman seconded and all members present unanimously approved the following resolution:

RESOLVED, that the Executive Director be authorized to execute and deliver Addendum No. 4 to the Water and Wastewater Operation and Maintenance Agreement with the Village of Palmyra, extending the Agreement until the Western Regional Wastewater Treatment Plant is operational with annual 3% increases in rates, subject to the approval of the Authority's General Counsel Michael Howard.

Village of Fair Haven: Mr. Aman reminded the Board that the current agreement to purchase water for Ingersoll Drive is with the Cayuga County Water and Sewer Authority, since that Authority owns a section of pipe through which the purchased water flows. It is more practical to purchase directly from the Village of Fair Haven, although the village's established wholesale water rate is above the other rates the Authority pays suppliers. The Authority Board has already given Mr. Aman authority to sign the agreement with Fair Haven, but he wanted to report that the village has not yet approved the agreement, but negotiations are underway.

Town of Rose: Mr. Aman reported that he is still continuing to negotiate a more favorable rate with the town for the purchase of water but they have an existing wholesale rate with one customer that is above the other rates the Authority pays suppliers and this has impeded discussion.

Records Management

Mrs. Freling reported to the Board that the Authority's grant application to the New York State Archives, Local Government Records Management Improvement Fund was not successful. There was a lot of competition and this was the first grant application prepared solely by Authority staff. The debriefing that the Archives provides will be very helpful in preparing a subsequent application. Mr. Monroe reported that the air management system in the operations center basement is being improved and when that is completed it will be possible to work for a prolonged time down there organizing the records.

Monthly Report

Mr. Monroe presented a verbal monthly report. Most of the activity has been on the various projects: lead water service replacements in Lyons, restoration on previous projects and the water main installation in Marion. The summer crew will be fully staffed the following day; two more senior summer staff will be working with the construction crews.

Mr. Scudder inquired about the progress on constructing a commodities storage area. Mr. Monroe has found that it will be more expensive than expected. Mr. Aman reported that there are other projects that must take precedence.

Mr. Monroe reported that the meter test equipment has been received and assembled. The supplier is sending a representative in July to demonstrate its operation to the Authority staff. It is a 3" meter with a low registration capability. There is no current plan to use the equipment to contract with other water suppliers for testing their meters.

Mr. Monroe reported that delivery of the new truck with the service body is still on schedule for September. The coordination between the body supplier and the chassis manufacturer has been completed and both have signed off on the plans.

At 5:04 p.m., Mr. Scudder moved, Mr. Hammond seconded, and all members present unanimously approved the following resolution:

RESOLVED, that the Board enter into Executive Session to discuss with counsel the employment history of a particular person

At 5:30 p.m. upon a motion by Mr. Scudder, seconded by Mr. Hutteman, all members present unanimously approved the following resolution:

RESOLVED, that the Board return to open session.

Miscellaneous Meetings

Mr. Aman thanked the Board for giving him the opportunity to attend the AWWA ACE 2019 conference in Denver recently. A third of the sessions involved the contaminants emerging in both the water and wastewater industries. Mr. Aman was pleased by an invitation from John Halgren of USDA to co-present with him in a session with the theme of USDA funding of rural water system improvements.

There being no further business, upon a motion by Ms. Furguson, seconded by Mr. Hutteman, the meeting was adjourned at 5:42 p.m.

Respectfully submitted by:



Demaris Verzulli, Secretary of the Meeting