

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

Meeting of: August 27, 2019

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

Present: LaVerne Blik, Robert Hutteman, David Scudder, Jean Johnson, Dan LaGasse, William Hammond, Lori Furguson

Absent: Mark Humbert, Donald Ross

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

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

RESOLVED, that the minutes of the July 23, 2019 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. Hutteman 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 19-1339 to 19-1568 totaling \$806,243.98.

Ms. LaDelfa reported that a \$500,000 Certificate of Deposit at Lyons National Bank would be up for renewal on September 3. She recommended renewing it for a 9-month term at 1.2% interest. After due discussion and deliberation, Ms. Furguson moved, Ms. Johnson seconded and all members present unanimously approved the following resolution:

RESOLVED, that the proceeds of the \$500,000 Certificate of Deposit maturing on September 3, 2019 be reinvested in a Certificate of Deposit with Lyons National Bank at an interest rate of 1.2% for a term of nine months.

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

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

III. Agenda Items

Western Regional WWTP Project Update

Mr. Aman updated the Board on the status of Walworth's potential participation in the regional wastewater treatment project. Following extensive negotiations with EFC, the Authority will be allowed to keep the existing favorable EFC funding package, while also pursuing a separate track that would allow Walworth to participate in the project, contingent upon receipt of a \$12.5 million EFC grant. The Authority must apply for the new grant by September 13, 2019 and the results will likely not be announced until December. Including Walworth increases the projected project cost to \$53.5 million, but the inclusion of Walworth is cost-neutral to the existing participants and might make the cost for users more favorable. Mr. Howard distributed and reviewed an updated draft of the Amended and Restated Memorandum of Understanding, which he characterized as still being very protective of the Authority. Walworth will be responsible for contributing funds in either of the possible project funding outcomes. Once the result of the grant application is known, the Authority and the participating municipalities can make a final decision based on updated economics to either proceed without Walworth based on the existing funding package or include Walworth based on the new funding package. At that point the Service Agreement will be amended and restated to include the final participants.

It is necessary to schedule a special meeting of the Board before the grant application deadline, to pursue the SEQRA declarations, revise the Initial Bond Resolution and authorize Mr. Aman to sign the amended and Restated Memorandum of Understanding and the grant application. After due discussion and deliberation, Mr. LaGasse moved, Ms. Ferguson seconded and all members present unanimously approved the following resolution:

RESOLVED, that a special meeting of the Wayne County Water and Sewer Authority Board be scheduled for September 12, 2019 at 8:30 a.m.

Ms. Freling will email the Initial Bond Resolution and Memorandum of Understanding to the Board members and call them the day before the meeting as a reminder.

Regional Water Storage Tank Update

Mr. Howard reported that it is necessary to revisit the 2017 SEQRA declaration to reaffirm and extend it. On motion duly made by Mr. Scudder and seconded by Mr. Hammond the following resolution was placed before the members of the Wayne County Water and Sewer Authority:

WHEREAS, the Wayne County Water and Sewer Authority (WCWSA) completed the environmental review for the approval of the purchase option for the site of the proposed regional water storage tank; and

WHEREAS, the WCWSA Board adopted a resolution on January 24, 2017 to issue an Negative Declaration pursuant to SEQRA for this action; and

WHEREAS, the WCWSA Board adopted a resolution on May 23, 2017 expressing its intent to be lead agency to coordinate the environmental review pursuant to SEQRA for the construction of the regional water storage tank and related project improvements; and

WHEREAS, the WCWSA completed the SEQRA environmental review for the project, including coordinated review with all involved agencies; and

WHEREAS, the WCWSA Board closed SEQRA and adopted a resolution to issue a Negative Declaration for the project on July 25, 2017; and

WHEREAS, the WCWSA has reviewed the scope of work proposed for the project and determined that the scope is unchanged; and

WHEREAS, the WCWSA has reviewed the environmental reviews conducted for the project and determined that the findings and conclusions remain unchanged;

NOW, THEREFORE BE IT RESOLVED, that WCWSA Board hereby determines that the Negative Declarations issued for the SEQRA reviews of the Regional Water Storage Project in 2017 remain valid and in effect. No further compliance with SEQRA is necessary for this project.

After due deliberation and discussion, the question of the adoption of the foregoing Resolution was duly put to a vote and all members present unanimously approved the Resolution, which was thereupon declared duly adopted.

Mr. Aman asked the Board to authorize him to execute and submit a grant application to the EFC under the NYS Intermunicipal Water Infrastructure Grants (IMG) Program. On motion duly made by Ms. Johnson and seconded by Mr. LaGasse the following resolution was placed before the members of the Wayne County Water and Sewer Authority:

WHEREAS, the Wayne County Water And Sewer Authority ("Authority") is undertaking the development of a proposed regional water storage tank and distribution system improvements project ("Project") with the Towns of Arcadia, Huron, Lyons, Marion, Sodus and Williamson, contingent on the receipt of commitments for adequate funding including loans and/or grants from the New York State Environmental Facilities Corporation ("EFC") or other funding agencies; and

WHEREAS, the Authority adopted an Initial Bonding Resolution on June 26, 2018 evidencing the Authority's intention to borrow sufficient funds over and above the amount of any available grants up to a maximum of \$10,500,000 as needed to undertake the Project; now, therefore, be it

RESOLVED, that the Executive Director of the Authority is hereby authorized as the official representative of the Authority to execute and submit the application for grant assistance to EFC under the NYS Intermunicipal Water Infrastructure Grants (IMG) Program and/or the Water Infrastructure Improvement Act (WIIA) Program for the construction of the Project with a maximum total cost of \$10,500,000 and is hereby further directed and authorized to act in connection with the submission of these applications and to provide such additional information and to execute such documents as may be required in connection with the receipt, use and disbursement of said grant funds.

After due deliberation and discussion, the question of the adoption of the foregoing Resolution was duly put to a vote and all members present unanimously approved the Resolution, which was thereupon declared duly adopted.

Mr. Howard distributed and reviewed the Amended and Restated Memorandum of Understanding and commended MRB Group for their work in preparing the exhibits that illustrate the \$3.1 million cap on the Town of Williamson's participation. Mr. Aman reminded the Board that Williamson had the option of renovating their water storage tank and completing other improvements for that amount and therefore needed to cap their contribution to what they would have spent on their own. All the participating municipalities have agreed to this restructuring of the project obligations and have authorized execution of the Amended and Restated MOU that now includes the cap. After due

discussion and deliberation, Mr. Hammond moved, Ms. Furguson seconded and all members present unanimously approved the following resolution:

RESOLVED, that the Executive Director be authorized to execute and deliver the Amended and Restated Memorandum of Understanding Regarding the Wayne County Water and Sewer Authority 2019 Regional Water Storage Project with the Towns of Arcadia, Huron, Lyons, Marion, Sodus and Williamson effective as of September 1, 2019, integrating a cap on the Town of Williamson's financial participation with a revised formula for calculating the portion of the Service Fee attributable to each participating municipality, and including other clarifications and refinements, in the form presented and approved by the participating municipalities.

Port Bay Sewers Update

Ms. Furguson reported that there was an informational meeting the previous Saturday, at which Mr. Monroe made a well-received presentation and he and Seth Galek answered many questions from the approximately 100 attendees. Ms. Furguson feels certain of the residents are frustrated mostly because the project has been underway since 2015 and the completion date has been pushed back several times. However, the contractor is committed to the project and it is on budget, according to MRB Group, the engineers involved.

Miscellaneous Water Projects

Arcadia WD 17: Mr. Monroe reported that a small crew is addressing the punch list and there have been some minor calls about restoration areas.

Arcadia WD 16: Mr. Monroe reported that as of this day 8,640 feet of pipe have been installed and directional drills on Tellier and Stebbins Roads have been done. The construction crew will be catching up on a backlog of water service installations this Friday.

Mill Street, Marion: Mr. Monroe reported that the new main has been certified by the Department of Health and water services are now being switched over to it. There are four major tie-ins to the new main on streets perpendicular to Mill Street, which will involve some brief shutdowns. He is pleased with the progress.

Lyons Lead Service Replacement Grant: Mr. Monroe reported that 39 services have been replaced and restoration needs to be done, at which point he will issue an invoice to the Town of Lyons for that work. There are more funds available, and the crew will continue to use the vacuum excavation technique to find more services in need of replacement. They are focusing on services where galvanized pipe comes into the basement, since that is an indicator of a lead gooseneck at the main. Replacement of galvanized services leaking in the ground has also had the benefit of lowering the quantities of unaccounted-for water.

Commonly Used Materials Bid

Mr. Monroe reminded the Board that each year the Authority advertises for bids for the materials that are most commonly used in meter, water service and sewer lateral installations and repairs. The bid is structured in categories with unit prices requested based on assumed quantities. The awards are made on the basis of the total of each category's unit prices. He reported that in one case, water service tubing, there was a tie, and he recommended an award to both the vendors so that orders could be placed on availability. After due discussion and deliberation, Mr. Hammond moved, Mr. Scudder 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 awardees have

been found to be responsible; (ii) the proposed awardees have complied with the Authority's Procurement Policy; (iii) the proposed awardees have 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 be awarded to the lowest responsible bidders as follows:

Category: Tapping Saddles: to Core & Main LP for a category price total of \$506.50.

Category: Curb Boxes and Parts: to E. J. Prescott, Inc. for a category price total of \$43.00.

Category: Water Service Tubing: to E. J. Prescott, Inc for category price total of \$2.31 and to Blair Supply Corp. for a category price total of \$2.31.

Category: Water Main Repair Bands: to Core & Main LP for a category price total of \$3,620.00.

Category: Water Main Repair Couplings: to Core & Main LP for a category price total of \$2,641.00.

Category: Hydrants: to Ti-Sales, Inc. for a category price total of \$7,603.19.

Category: Valve Boxes and Parts: to Blair Supply Corp. for a category price total of \$572.00.

Category: Meter Setting Brass: to E J Prescott Inc. for a category price total of \$331.50.

Category: Water Service Brass: to Core & Main, LP for a category price total of \$1,147.50.

Category: C-509 Valves: to Ti-Sales, Inc. for a category price total of \$2,949.32.

Category: C-515 Valves: to Ti-Sales, Inc. for a category price total of \$2,949.32.

Category: Sewer Parts: to Core & Main, LP for a category price total of \$1,324.95.

Electric Co-Op Resolution

Mr. Aman reported that it is necessary to make a resolution to continue to participate in the BOCES electricity bid as the Authority has since 2015. After due discussion and deliberation, Mr. Hammond moved, Mr. LaGasse seconded and all members present unanimously approved the following resolution:

WHEREAS, the Wayne County Water & Sewer Authority desires to participate in a Cooperative Bidding Program conducted by The Board of Cooperative Educational Services of Ontario, Seneca, Wayne and Yates Counties from year to year or, until this Resolution is rescinded, for the purchase for supply of electricity; and

WHEREAS, the Wayne County Water & Sewer Authority is desirous of participating with The Board of Cooperative Educational Services of Ontario, Seneca, Wayne and Yates Counties in the joint bid of the commodities and/or services mentioned below as authorized by General Municipal Law, Section 119-o; and

WHEREAS, the Wayne County Water & Sewer Authority has appointed The Board of Cooperative Educational Services of Ontario, Seneca, Wayne and Yates Counties as representative to assume the responsibility for drafting of specifications, advertising for bids, accepting and opening bids, tabulating bids, reporting the results to the appropriate agency of New York State and making recommendations thereon; THEREFORE

BE IT RESOLVED, that the Wayne County Water & Sewer Authority and The Board of Cooperative Educational Services of Ontario, Seneca, Wayne and Yates Counties hereby accepts the appointment of The Board of Cooperative Educational Services of Ontario, Seneca, Wayne and Yates Counties to represent it in all matters related above; and

BE IT FURTHER RESOLVED, that the Wayne County Water & Sewer Authority authorizes the above-mentioned Board of Cooperative Educational Services of Ontario, Seneca, Wayne and Yates Counties to represent it in all matters regarding the entering into contract for the purchase of the below-mentioned commodities and/or services; and

BE IT FURTHER RESOLVED, that the Wayne County Water & Sewer Authority agrees to assume its equitable share of the costs incurred as a result of the cooperative bidding; and

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director on behalf of the Wayne County Water & Sewer Authority hereby is authorized to participate in cooperative bidding conducted by The Board of Cooperative Educational Services of Ontario, Seneca, Wayne and Yates Counties for supply of electricity and if requested to furnish The Board of Cooperative Educational Services of Ontario, Seneca, Wayne and Yates Counties an estimated minimum number of units that will be purchased by The Board of Cooperative Educational Services of Ontario, Seneca, Wayne and Yates Counties. The Board of Cooperative Educational Services of Ontario, Seneca, Wayne and Yates Counties is hereby authorized to award cooperative bids to the bidder deemed to be the lowest responsive and responsible meeting the bid specifications and otherwise complying with Article 5-A of the General Municipal Law of the State of New York relating to public bids and contracts.

Cracker Box Palace Discussion

Mr. Aman reported that he had obtained the Sodus Town Board meeting minutes that pertained to the Cracker Box Palace agreement Mr. Madison referenced at the Authority's July 23, 2019 Board meeting. It is not a clearly stated agreement. Mr. Howard advised that pursuant to the direction of the Office of the State Comptroller in its April 2018 audit, the Authority would need to establish formal policies and procedures if the Board wished to accommodate Cracker Box's request for "free" water. Moreover, a decision would have to be made on how such a policy would be applied to other charitable organizations requesting similar accommodations. Mr. Aman noted that it is the policy of the Authority to charge regular customers for water used. After due discussion and deliberation, Mr. Hammond moved, Mr. Scudder seconded and all members present unanimously approved the following resolution:

RESOLVED, that after discussing the request of Mr. Robert Madison for the Authority to provide his property, Cracker Box Palace, with a quantity of water at no charge, it is in the best interest of the Authority to abide by the existing Authority policy regarding sale of water and not make an *ad hoc* exception for Cracker Box Palace.

Miscellaneous Meetings

Mr. Aman reported that meetings had been reported under the various project agenda items.

Monthly Operations Report

Mr. Monroe presented a verbal monthly report. The major water projects have been the focus of the operations crews, including water service installations and turn offs and usual tasks. There was discussion of fire crews using hydrants. The next day will be the last day for the summer crew. Hydrants were serviced and painted in Gananda, Walworth, Macedon and Sodus.

Mr. Ceratt reported that he expects the recoating of the digester at the Eastern Regional Wastewater Plant will be completed by the next board meeting. He and staff members have been looking at various software packages for integrated billing, customer service and accounting functions. Next week there will be a demo of inventory and work order software modules that integrate with the billing and accounting modules that have already been demonstrated.

Schedule September Meetings

Mr. Aman remarked that the special September 12 Board meeting had been set but the regular September Board meeting needed to be rescheduled. After due discussion and deliberation, Mr. Hutteman moved, Ms. Johnson seconded and all members present unanimously approved the following resolution:

RESOLVED, that the September meeting of the Authority Board be rescheduled to Thursday, September 26, 2019 at 4 p.m.

Miscellaneous

At 5:15 p.m., Mr. LaGasse moved, Mr. Hutteman seconded, and all members present unanimously approved the following resolution:

RESOLVED, that the Board enter into Executive Session to discuss with counsel strategy on an issue involving possible litigation.

At 5:23 p.m. upon a motion by Ms. Furguson, seconded by Mr. Hutteman, all members present unanimously approved the following resolution:

RESOLVED, that the Board return to open session.

There being no further business, upon a motion by Mr. Hutteman, seconded by Mr. Hammond, the meeting was adjourned at 5:24 p.m.

Action Items:

1. Ms. Freling will email the Initial Bond Resolution and Memorandum of Understanding to the Board members.
2. Ms. Freling will call Board members the day before the September 12 meeting as a reminder.

Respectfully submitted by:


Demaris Verzulli, Secretary of the Meeting

