

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

**Meeting of:** Tuesday, December 27, 2022

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

**Present:** LaVerne Blik, Robert Hutteman, Jean Johnson, David Scudder, Lori Furguson, William Hammond, Mark Humbert

**Absent:** Dan LaGasse, Donald Ross

**Advisors Present:** Michael Howard, General Counsel.

**Staff Present:** Martin J. Aman, Executive Director  
Jason Monroe, Director of Operations  
Derek Ceratt, Technical Director  
Peter DiBenedetto, Operational Support  
Sheryl LaDelfa, Accounting Manager  
Demaris Verzulli, Secretary of the Meeting

**Visitors:** None

Chairman LaVerne Blik called the meeting to order at 4:00 p.m. and led the meeting in the Pledge of Allegiance.

**I. Chairman's Report**

**Adoption of Minutes**

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

RESOLVED, that the minutes of the November 22, 2022 meeting of the Wayne County Water and Sewer Authority be accepted with no changes.

**Correspondence:** None

**II. Treasurer's Report**

Ms. Johnson invited questions on the warrant, which had previously been emailed to the Board members for examination. After due discussion and deliberation, Ms. Furguson moved, Mr. Scudder seconded and all members present unanimously approved the following resolution:

RESOLVED, that the following claims are hereby authorized and directed to the Treasurer for payment: Vouchers 22-2030 to 22-2247 for a total of \$1,283,236.26.

Ms. Johnson invited questions on the Financial Statements for the month of November, which had previously been emailed to the Board members for examination. After due discussion and deliberation, Ms. Furguson 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 November 2022 be approved and accepted.

### III. **Agenda Items**

#### **Discussion of Virtual Participation in Board Meetings**

Mr. Howard advised the Board on the new State requirements for the use of videoconferencing for Board meetings. Mr. Howard noted that under the revised rules a majority of the Board would still need to be physically present at a location open to the public in order to constitute a quorum. In addition, Board members participating in the meeting remotely would only be authorized to do so in the event of "extraordinary circumstances" as outlined in the statute. If the Board wants to make this an option, a set of written procedures must be developed and formally adopted. The procedures must be posted on the Authority website, the meetings recorded, and the recordings posted on the website. He proposed preparing, with the participation of Mr. Aman and Ms. Verzulli, a set of such procedures for the Board to consider and possibly adopt.

Mr. Humbert entered the meeting.

#### **Western Regional WWTP Project Update**

Mr. Aman reported that in the prior month, most of the time spent on the project was in connection with the forcemain section between Division Street and Route 21 in Palmyra. The Canal Corporation has changed its initial position and is now unwilling to allow the pipe to be located in or next to the berm adjacent to the canal. The DEC prefers an alternative to installing the main through the wetlands north of the canal there, and have suggested approaching Garlock about the possibility of crossing their property which has been included in the DEC Brownfields Cleanup Program and is subject to institutional controls and other regulatory/environmental constraints. Mr. Aman has a scheduled meeting to discuss this with Garlock representatives in January. If Garlock is not receptive to the idea, all alternatives will have been examined and portions of the route will likely have to be through the wetlands, subject to issuance of a permit. Mr. Aman has a meeting with the new Region 8 Director of the DEC on January 3 at which he will discuss advancing the Authority's wastewater treatment plant operators from 3A to 4A certifications. He also reported that since the contracts for the project were awarded last month, the Contract Documents have been assembled and are ready to be signed once insurance policies have been prepared. He anticipates that the new funding package from the EFC will be ready to close in the first quarter of 2023 based on discussions with senior EFC officials.

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

Mr. Monroe reported that the Huron Transmission Line has been completed and the testing samples have all passed. A letter will be sent to the property owners in the area to promote connection to the main; they will be considered out of district users. The crew is now working on County House Road by the canal. Turner Underground is on the site and was expected do the first boring today. The coming mild weather will hopefully allow the Authority crew to install the transmission main in that area. Other items remaining to be constructed in the project include meter and pressure regulating vaults; this may be done over the winter. Mr. Aman advised the Board that certain key project elements have changed, such as vaults, an aeration system in the tank, and mixing improvements, and were not included in the original engineering agreements. These additional engineering services need to be authorized to get through to the end of the project in June, 2023. After due discussion and deliberation, Ms. Furguson moved, Mr. Humbert seconded and all members present unanimously approved the following resolution:

RESOLVED, that the Executive Director be authorized and directed to execute and deliver Amendment No. 1 to the Agreement Between Owner and Engineer, MRB Group, for additional Professional Services in the Wayne County Regional Water Storage Project as enumerated in the attached Amendment No. 1 for \$335,606.88, for an Adjusted Agreement amount not to exceed \$1,147,106.88.

### **Red Creek WWTP Disinfection Project**

Mr. Aman reported that the project is nearing completion as evidenced by the pay applications from Spensieri Diversified and Concord Electric, the contractors, in this month's abstract.

### **Award Materials Bid for 2023 Construction Season**

Mr. DiBenedetto reported that bids for iron and steel materials for the 2023 construction season were received from six vendors, with five vendors being the lowest responsible bidders for several items each. This bid was planned to avoid a possible new year's price increase for iron and steel materials. After due discussion and deliberation, Mr. Scudder 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 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 for Iron and Steel Materials for the 2023 Construction Season be awarded as detailed in the list of Award Items attached to these minutes.

The question arose that if the grant funding had not yet come through, and the Authority had to take delivery of these materials, could funds from a Capital Reserve Fund be used. Mr. Howard will research this.

### **Date of January Board Meeting**

Mr. Aman reported that part of the week of the January Board meeting he will be in Albany with the AWWA Water Utility Council and invited legislators for meetings, discussions, and a legislative breakfast to focus on emerging contaminants and lead water services. Therefore, he asked that the Board reschedule the January Board meeting. After due discussion and deliberation, Mr. Hutteman moved, Ms. Furguson seconded and all members present unanimously approved the following resolution:

RESOLVED, that the January meeting of the Board of the Wayne County Water and Sewer Authority be re-scheduled to Thursday, January 26, 2023.

### **Correction of July 26, 2022 Board Meeting Minutes**

Ms. Verzulli reported that there was an error in a resolution made at the July 26, 2022 Board Meeting and the minutes needed to be corrected. After due discussion and deliberation, Ms. Furguson moved, Mr. Humbert seconded and all members present unanimously approved the following resolution:

RESOLVED, to correct and amend the July 26, 2022 Board Minutes to provide as follows:

RESOLVED, that the Canal Crossing portion of the 2022 Directional Drill Bid – Combined Sites for the Regional Water Tank Project be awarded to Turner Underground Utilities, Inc., PO Box 325, Webster, NY 14580 as follows: \$129.00 per linear foot to bore and pull back 449 feet of 12-inch HDPE pipe in earth and \$389.00 per linear foot to bore and pull back 377 linear feet of 12-inch HDPE pipe in rock.

### Monthly Operations

Mr. Monroe reported that service installations have slowed and much of the restoration of asphalt due to repairs and installations had been completed in early December. On Christmas Eve a water service split at a weld in the tapping saddle. Mr. Ceratt reported that the new phone system has been installed successfully. It is a considerable improvement on the prior system. He reported that the Sodus location is now an extension in the system and he is in the process of adding the Red Creek location as well. DiBenedetto displayed on the white board an image of the Authority's GIS map and noted how much of the Authority's infrastructure has been located by GPS. He displayed a series of photos of Alex Grof, the part-time student who has been doing the locating and working with the system, as he found and collected the geographical location of a buried valve box. Discussion of the GIS system ensued. Mr. Ceratt and Mr. DiBenedetto both remarked on how valuable an employee Alex Grof has been.

### Miscellaneous Items

At 5:08 p.m. Ms. Furguson moved, Mr. Humbert seconded and all members present unanimously approved the following resolution:

RESOLVED, that the Board adjourn into Executive Session for discussion with counsel in regard to the employment history and compensation of particular employees.

At 5:25 p.m., Mr. Aman was excused from the Executive Session.

At 5:36 p.m. Ms. Furguson moved, Mr. Humbert seconded and 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 Ms. Furguson, seconded by Mr. Scudder, the meeting was adjourned at 5:35 p.m.

Attachment to these minutes: Amendment No. 1 to the Agreement Between Owner and Engineer, MRB Group, for additional Professional Services in the Wayne County Regional Water Storage Project

Respectfully submitted by:   
Demaris Verzulli, Secretary of the Meeting

This is **EXHIBIT K**, consisting of [2] pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated [December 17, 2019].

**AMENDMENT TO OWNER-ENGINEER AGREEMENT  
Amendment No. 1**

The Effective Date of this Amendment is: December 27, 2022.

**Background Data**

Effective Date of Owner-Engineer Agreement: December 17, 2019

Owner: Wayne County Water and Sewer Authority

Engineer: MRB Group Engineering, Architecture & Surveying, D.P.C.

Project: WCWSA Regional Storage Project

**Nature of Amendment:**

- Additional Services to be performed by Engineer
- Modifications to services of Engineer
- Modifications to responsibilities of Owner
- Modifications of payment to Engineer
- Modifications to time(s) for rendering services
- Modifications to other terms and conditions of the Agreement

**Description of Modifications:**

Amendment No. 1 modifies both the scope and estimated fees for the Additional Services category to:

- Update estimated fees for Additional Services categories currently included in the Agreement, based on costs expended to date plus projected costs through completion of the project.
- Include supplemental Additional Services categories not currently included in the Additional Services category, including:
  - Storage Tank Bidding Services

- Storage Tank Construction Administration
- Storage Tank Construction Observation
- Buildings and Pumping Stations – Bidding
- Buildings and Pumping Stations – Construction Administration
- Control Valves/Control Vaults – Design
- Tank Aeration System - Design

Attached are the following exhibits:

- Amendment No. 1 Fee Summary
- Relevant modified or additional pages of the Agreement
- Exhibit D, Duties, Responsibilities and Limitations of Authority of Resident Project Representative.

Agreement Summary:

Original agreement amount:	\$811,500.00
Net change for prior amendments:	\$-0-
This amendment amount:	\$335,606.88
Adjusted Agreement amount:	\$1,147,106.88

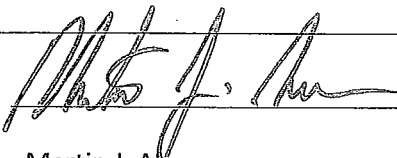
Change in time for services (days or date, as applicable): \_\_\_\_\_

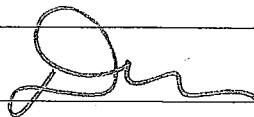
The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

OWNER:

ENGINEER:

By:   
 Print name: Martin J. Aman

By:   
 Print name: David M. Doyle, P.E.

Title: Executive Director

Title: Vice President

Date Signed: 1/5/2023

Date Signed: 1/5/23