

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

Meeting of: Tuesday, May 23, 2023

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

Present: LaVerne Blik, Robert Hutteman, Jean Johnson, David Scudder, Mark Humbert, Dan LaGasse

Absent: Lori Furguson, William Hammond, Donald Ross

Advisors Present: Michael Howard, General Counsel

Staff Present: Martin J. Aman, Executive Director
Sheryl LaDelfa, Accounting Manager
Demaris Verzulli, Secretary of the Meeting

Visitors: None

Chairman LaVerne Blik called the meeting to order at 4:06 p.m. and led the meeting in the Pledge of Allegiance.

I. Chairman's Report

Adoption of Minutes

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

RESOLVED, that the minutes of the April 25, 2023 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 Mr. Humbert 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 23-736 to 23-923 for a total of \$7,166,533.54.

Ms. Johnson invited questions on the Financial Statements for the month of April, which had previously been emailed to the Board members for examination. After due discussion and deliberation, Mr. Humbert 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 April 2023 be approved and accepted.

Ms. LaDelfa reported that two Certificates of Deposit at Lyons National Bank would reach maturity next month on June 7 and 10. There was discussion of terms and interest rates. After due discussion and deliberation, Mr. Scudder moved, Ms. Johnson seconded and all participating members unanimously approved the following resolution:

RESOLVED, that the proceeds of the \$1,000,000 Certificate of Deposit maturing on June 7, 2023 be reinvested in a Certificate of Deposit with Lyons National Bank at the prevailing rate, anticipated to be 3.8% or better simple interest, for a term of nine months.

Ms. LaDelfa recommended that the \$500,000 Certificate be moved into the Money Market account, which at this time is paying 2.5% interest, to provide better cash flow options for the near term. After due discussion and deliberation, Mr. Humbert moved, Mr. Scudder seconded and all participating members unanimously approved the following resolution:

RESOLVED, that the proceeds of the \$500,000 Certificate of Deposit maturing on June 10, 2023 be transferred into the Authority's Money Market account with Lyons National Bank, which at this time is paying 2.5% interest, with the intent to review the investment possibilities in the near future.

III. Agenda Items

Governance Committee Report

Mr. Scudder briefly reviewed the proceedings of the Governance Committee meeting prior to this Board meeting, describing the subjects covered, including discussion of the ABO Board Evaluation, Financial Disclosure requirements, and governance trends reviewed by Mr. Howard. Mr. Scudder reminded the Board that each member was required to complete and return the annual Financial Disclosure Form as well as the Board Evaluation Form.

Western Regional WWTP Project Update

Mr. Aman reported that Dutchland, Inc., which is providing the precast concrete tanks for the Treatment Plant, will be hosting a luncheon at the plant site on June 27 to display the method of construction they are providing. Approximately 100 guests, including representatives from the participating towns, the project engineers, Authority personnel and others interested in this type of construction will be able to tour the site and have lunch in a temporary building on the site. Mr. Aman suggested that, since this is on a Board meeting date, that the June Board meeting be scheduled shortly after the event. He will provide more details soon. He reported that the project is moving along very well with all three contractors doing a good job. Villager, installing the forcemains, is cleaning up as they go and there have been few complaints about disruptions. Crane-Hogan is on schedule or possibly a little ahead on the treatment plant.

Mr. Howard presented the fully-executed Garlock Access Agreement. This was a major effort on part of himself, Garlock, Garlock's technical consultant and LaBella Associates given the inclusion of the site within the State's Brownfield Cleanup Program. LaBella expects to be on the site June 7 and 8, taking samples at eleven sites, plus two additional ones requested by Garlock where its possible connection to the sewer might be made. It will take approximately a month to get the lab results from the borings. Mr. Howard reminded the Board that this agreement is for access only; if the lab results are favorable, the next step will be to negotiate an easement. He has prepared a draft which includes risk allocations and indemnification clauses for the Authority. Mr. Aman remarked on the critical nature of the decision to pursue an easement across Garlock property. The Canal Corp. has not yet issued permits for the canal crossings, which must be done in non-navigation time, hopefully starting in November of 2023. The DEC has encouraged consideration of the Garlock brownfield option because it avoids the need to cross adjacent wetlands.

Regional Water Storage Tank Update

Mr. Aman reported that the Town of Williamson had started their pumps at the Route 21 pump station and is making final adjustments. He expects the pumps at Joy Road to be tested on June 2; this will signal substantial completion, and the grant money from EFC can then hopefully be released. He reported that restoration work on the Huron Transmission Main Project on York Settlement and Briggs Roads is complete. The crew is working on restoration on Route 88, and then will move to County House Road.

Arcadia Water District #15

Mr. Aman reported that the next construction project will be Arcadia Water District #15, a 53,000-foot project of 8-inch water main on a number of roads in the western part of the town. He noted that there are new requirements from the County and the Town for backfilling and compaction of the trenches. He reported that the pre-construction meeting is tentatively scheduled for June 8, after which construction can start. After due discussion and deliberation, Mr. Humbert moved, Mr. Hutteman seconded and all members present unanimously approved the following resolution:

RESOLVED, that subject to the review and approval by the Authority attorney, the Executive Director be and hereby is authorized and directed to prepare a construction proposal and, thereafter, enter into an agreement with the Town of Arcadia for the construction of Arcadia Water District #15 Project ("Project"); and be it further

RESOLVED, that the Executive Director be authorized to execute any bonds, sureties or other documents as required for the Project, pending approval of such documents by the Authority attorney.

Retainer Agreement with Napoli Shkolnik, PLLC

Mr. Howard reported that the New York Rural Water Association has teamed with National Rural Water Association to make local water and wastewater utilities aware of a PFAS Cost Recovery Program that they strongly encourage utilities to register into, at no cost, to protect the utility and rate payers from a PFAS contamination financial burden. By way of background, Mr. Howard explained that the EPA recently set health advisory levels for PFAS as low as 4 parts per trillion. The EPA is in the process of establishing an enforceable maximum contaminant level (MCL) under the Safe Drinking Water Act, which essentially means that a system with even low levels of detection is likely to be out of compliance with the federal standard. Finally, EPA is planning to designate PFOS and PFOA as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA.) All these factors raise the potential for a large financial impact if these "forever" compounds are detected in water or wastewater. To register, potential plaintiffs would need to sign a Retainer Agreement with the law firm, Napoli Shkolnik, PLLC, which is bringing this lawsuit on behalf of the plaintiffs. Mr. Aman advised that the Association of Counties recommended participation in the action. Mr. Howard feels it is prudent to join this lawsuit given the potential costs and expense of attempting to pursue such claims on an individual basis. There was discussion of the terms of the agreement and the regulation of hazardous substances. After due discussion and deliberation, Mr. Humbert moved, Mr. Scudder seconded and all members present unanimously approved the following resolution:

RESOLVED, that the Executive Director be, and hereby is, authorized and directed to execute and deliver a Retainer Agreement with the firm of Napoli Shkolnik PLLC in substantially the form presented to this meeting authorizing participation, as a plaintiff, in multi-jurisdiction litigation seeking cost recovery for injuries and/or property damages suffered by the Authority due to contamination of water supplies by per- and polyfluoroalkyl substances (PFAS) and other hazardous water contaminants, provided that such participation is at no up-front cost to the Authority.

Credit Card Discussion

Mr. Aman briefly described the two credit card/account policies that had been distributed to the Board. One is a policy on vendor credit accounts adopted in 2014; the other is a draft of a policy for a general Authority credit card for use in emergency situations, travel and conference expenses, and other situations. He asked for feedback in merging the two policies. He will be meeting next week with David Hou of Boylan, Code to discuss this as well as changes to the Employee Handbook, and he will have a draft to present at the June Board meeting.

Miscellaneous Meetings

Mr. Aman reported that there have been Regional WWTP Project progress meetings every two weeks, to which he invited the Board members. He was applauded by the Board when he reported that he had received the prestigious 2023 George Warren Fuller Award from the New York Section of AWWA. He will be traveling to Toronto in for the AWWA Annual Conference, where he will receive this award on June 14.

Mr. Scudder asked if the Village of Red Creek had hired a person to operate its water system. Mr. Aman replied that they had not, and he is in the process of negotiating a continuation of the Authority's agreement with the Village, but for fewer hours per week at the same monthly reimbursement. He reported that a new employee has been hired for the Red Creek Regional WWTP, and she started this month. Mr. Scudder asked if the bulbs in the new UV disinfection equipment had been replaced and were all working; Mr. Aman reported that a sufficient number of the bulbs are now on line.

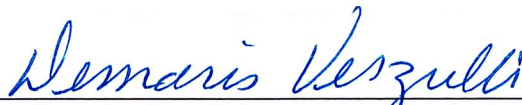
Monthly Operations

Mr. Aman reported that Mr. Monroe, Mr. DiBenedetto and Mr. Ceratt were at the Rural Water Association Annual Technical Training Workshop in Lake Placid, thus there are no photo displays of operations for the month. He reported that most of the work has been done on the Regional Water Tank Project restoration and installation of water services. He reported that a large chunk blew out of a water main on a dead-end street in Lyons, resulting in the need for a boil water notice. Customers were informed by hand-delivered notices for both the boil water notice and the subsequent notification that it had been lifted.

Mr. Blik asked about the situation with the Butler prison. Mr. Humbert replied that there had been a tour of the property and there are interested buyers but that essentially nothing had changed.

There being no further business, upon a motion by Mr. Scudder, seconded by Mr. Hutteman, the meeting was adjourned at 4:57 p.m.

Respectfully submitted by:



Demaris Verzulli, Secretary of the Meeting