



Regular Meeting Minutes  
Date: October 24, 2018

**APPROVED**  
November 28, 2018

Members Attending: T. Anderson, M. McKeown, S. Beardsley, J. Deming, E. Gott, T. Saunders

Excused Absent: P. Brooks

Others attending: M. Baines (Executive Director), M. Kosakowski (Director of Operations), R. Lewis (Principal Account Clerk), E. Wies (Clark Patterson Lee), J. Campbell (Kruk & Campbell, P.C.)

**Call to Order** – With a quorum present, Chairman T. Anderson called the meeting to order at 8:00 am.

**Approval of Agenda**

*Motion: S. Beardsley moved and M. McKeown seconded to approve the agenda as presented. Carried unanimously.*

**Approval of Minutes** – September 26, 2018 Regular Board Meeting  
October 10, 2018 Special Meeting

*Motion: E. Gott moved and J. Deming seconded to approve regular board meeting minutes dated September 26, 2018.*

*Motion: E. Gott moved and J. Deming seconded to approve special meeting minutes dated October 10, 2018.*

**Open Public Hearing (8:05 am) – Motion: S. Beardsley moved and M. McKeown seconded to open the public hearing on the proposed 2019 Rate and Fee Schedule (copy on file with secretary). Carried unanimously.**

T. Anderson asked if anyone wished to speak at the public hearing. R. Lewis and M. Baines indicated that the Village of Mount Morris had recently notified LCWSA that it rejected LCWSA’s counterproposal regarding the proposed sewer rate increase, and instead approved a new rate to LCWSA at its October 15, 2018 Village Board meeting, that would result in an approximate 60% increase in expenses to LCWSA for 2019 for this specific service area (SM). While LCWSA may be able to absorb a portion of this cost increase in its operational budget, it is recommended that the Board adopt the following rate increase as part of the 2019 Rate and Fee Schedule, to cover the remaining cost:

SEWER – (SM) Service Area	Prior Rate (Nov 1, 2017 to Oct 31, 2018)	Proposed New Rate (Nov 1, 2018 to Oct 31, 2019)	Proposed Increase
Minimum Base Charge/Unit (includes 18,000 gallons)	\$143.00/quarter	\$163.00/quarter	\$20.00/quarter
Usage (over 18,000 gallons/quarter)	\$7.94/1000 gallons	\$9.05/1000 gallons	\$1.11/1000 gallons

The Board left the public hearing open and continued with the agenda.

**Privilege of the Floor** – None.

**Financial report:** R. Lewis reviewed the Financial report with the Board (on file with Secretary).

**Motion:** *M. McKeown moved and T. Saunders seconded to approve the Financial Report. Carried unanimously.*

Other item(s) discussed under the financial portion of the meeting:

**2018 Water and Sewer Relevy**

R. Lewis noted that the list of properties has been assembled by LCWSA staff, and the total for unpaid LCWSA charges to be collected is \$239,897.57.

**RESOLUTION NO. 2018 - 22 AUTHORIZING THE TREASURER OF THE LIVINGSTON COUNTY WATER & SEWER AUTHORITY TO PREPARE AND TRANSMIT A LIST OF THOSE PROPERTIES WITH UNPAID WATER CHARGES AND UNPAID SEWER CHARGES TO LIVINGSTON COUNTY BOARD OF SUPERVISORS FOR LEVY ON 2019 TAX ROLLS**

WHEREAS, pursuant to Section 1199-yyy of the Public Authorities Law, all rates, fees, and other charges billed directly by the Livingston County Water & Sewer Authority (LCWSA) to its users, shall be considered a lien upon real property, from the first date fixed for payment of such rates, fees, and other charges; and

WHEREAS, pursuant to Section 1199-yyy(2) of the Public Authorities Law, the treasurer of LCWSA shall prepare and transmit a list of those properties with unpaid water charges and sewer charges, on or before November 1 of each year to the Livingston County Board of Supervisors; NOW THEREFORE BE IT

RESOLVED, that the Livingston County Water & Sewer Authority (LCWSA) Board authorizes the treasurer to submit the 2018 list of properties with unpaid water charges and unpaid sewer charges to Livingston County Board of Supervisors for levy on the 2019 tax rolls.

**Motion:** *E. Gott moved and S. Beardsley seconded to approve Resolution No. 2018 – 22 Authorizing the Treasurer of the Livingston County Water & Sewer Authority to Prepare and Transmit a List of those Properties With Unpaid Water Charges and Unpaid Sewer Charges to Livingston County Board of Supervisors for Levy on 2019 Tax Rolls. Carried unanimously.*

**NYSAWWA/NYWEA Asset Management and Utility Finances Conference (November 15, 2018 – Albany, NY) – MBaines Travel Request**

M. Baines requested approval from the Board to attend the joint New York State American Water Works Association (NYSAWWA)/New York Water Environment Association (NYWEA) Asset Management and Utility Finances Conference, to be held in Albany, NY.

**Motion:** *E. Gott moved and J. Deming seconded to approve M. Baines' attendance NYSAWWA/NYWEA Asset Management and Utility Finances Conference in Albany, NY on November 15, 2018. Carried unanimously.*

**2019 Budget and 2019 Capital Plan**

Copies of the updated draft 2019 Budget and 2019 Capital Plan were circulated to and reviewed by the Board. R. Lewis and M. Baines noted that the only revisions that have been made since the October 10, 2018 Special Meeting, include: a correction to the number of units in the SM service area, an increase in expenses to reflect the sewer rate increase from the Village of Mount Morris, and an increase in revenues to reflect the proposed rate increase to the SM service area.

**RESOLUTION NO. 2018-23 ADOPTING THE 2019 BUDGET AND 2019 CAPITAL PLAN**

WHEREAS, the Livingston County Water & Sewer Authority (LCWSA) Board has reviewed the proposed budget information and capital plan attached hereto and found it to be satisfactory; NOW THEREFORE BE IT

RESOLVED, that the Board adopts the 2019 Budget and 2019 Capital Plan and directs staff to file as required.

*Motion: J. Deming moved and E. Gott seconded to approve Resolution No. 2018-23 Adopting the 2019 Budget and 2019 Capital Plan. Carried unanimously.*

**Bills:** R. Lewis reviewed the monthly bills.

*Motion: J. Deming moved and E. Gott seconded to approve paying the bills for Total Project Expenditures in an amount not to exceed \$393,553.82. Carried unanimously.*

*Motion: M. McKeown moved and J. Deming seconded to approve paying the bills for Operating Expenditures in an amount not to exceed \$200,194.34. Carried unanimously.*

**Operations and Capital Report**

M. Kosakowski reviewed the Operations and Capital Reports with the Board (on file with Secretary).

**Other Business**

**Roof Replacement – Sanitary Pump Stations PS1E/2E/3E**

M. Kosakowski and M. Baines informed the Board that the roofs at three (3) sewage pumping stations (1E, 2E, 3E) were observed to be leaking, and a condition assessment was completed by CPL. The Board reviewed the letter prepared by CPL, dated October 12, 2018 (on file with Secretary), that summarized existing conditions and provided recommendations on various roof replacement options (EDPM – synthetic rubber roof membrane, or Metal Roof). The estimated construction cost for the three (3) roofs ranges from ~\$20,000 to \$30,000 depending on which option would be selected. The Board also reviewed the engineering proposal prepared by CPL, dated October 22, 2018, that identified a proposed fee of \$4,400 to provide engineering and construction phase services.

*Motion: S. Beardsley moved and J. Deming seconded to establish a 2018 Capital Project entitled “Roof Replacement 1E, 2E & 3E” with a project budget of \$40,000. Carried Unanimously.*

*Motion: M. McKeown moved and E. Gott seconded to approve the CPL proposal for engineering and construction phase services for the “Roof Replacement 1E, 2E, & 3E” project, for a lump sum fee of \$4,400. Carried Unanimously.*

**LCWSA Employee Transition**

The following resolutions related to the employee transition were reviewed by the Board:

**RESOLUTION NO. 2018-24 AWARDING PLAN ADMINISTRATION & RELATED SERVICES IN CONNECTION WITH SECTION 457 DEFERRED COMPENSATION PLAN AND SECTION 401(A) MATCHING DEFERRED COMPENSATION PLAN TO: BURKE GROUP**

WHEREAS, Livingston County Water & Sewer Authority (LCWSA) adopted the Livingston County Water & Sewer Authority Section 457 Deferred Compensation Plan (the “457(b) Plan”) by Resolution No. 2018-13, for the purpose of providing eligible employees with a convenient and tax-favored method of saving to provide for a long-term retirement program; and

WHEREAS, LCWSA adopted the Livingston County Water & Sewer Authority Section 401(a) Matching Deferred Compensation Plan (the “401(a) Plan”) by Resolution No. 2018-12, for the purpose of providing eligible employees with deferred compensation which supplements their deferred compensation under the 457(b) Plan; and

WHEREAS, in accordance with the Rules & Regulations of the New York State Deferred Compensation Board (Effective Date: June 15, 2011) (“Rules & Regulations”), an announcement requesting competitive proposals for plan administration and related services was published in the *State Register* and in LCWSA’s official newspapers; and

WHEREAS, one (1) proposal was received by the submittal deadline of October 19, 2018 at 4:00 pm, from Burke Group, having an address of 80 Linden Oaks Drive, Suite 210, Rochester, New York 14625; and

WHEREAS, the Deferred Compensation Committee, comprising the Chairman of the LCWSA Board, the Treasurer of the LCWSA Board, the LCWSA Executive Director, and the CSEA Unit President, has reviewed the proposal in accordance with the criteria contained in §9003.3(a)(1 through 7) of the Rules & Regulations;

WHEREAS, the Deferred Compensation Committee recommends awarding “Plan Administration & Related Services in connection with Section 457 Deferred Compensation Plan and Section 401(a) Matching Deferred Compensation Plan” to Burke Group, which meets the criteria set forth in §9003.3(a)(1 through 7) of the Rules & Regulations; and

WHEREAS, the LCWSA Board accepts the recommendation of award; NOW THEREFORE BE IT

RESOLVED, that the LCWSA Board hereby authorizes the Executive Director to:

- (1) Enter into a contract with Burke Group, subject to review by the LCWSA attorney, for “Plan Administration & Related Services in connection with Section 457 Deferred Compensation Plan and Section 401(a) Matching Deferred Compensation Plan”, with an effective date of January 1, 2019, and for a term that shall not exceed five (5) years in duration; and
- (2) Notify the President of the New York State Civil Service Commission in writing, prior to the effective date of the contract, of the name of the selected financial organization and submit a “certification” stating that such financial organization has been duly selected to provide services in accordance with provisions of the Rules & Regulations.

***Motion: J. Deming moved and M. McKeown seconded to approve Resolution No. 2018-24 Awarding plan administration & related services in connection with Section 457 Deferred Compensation Plan and Section 401(A) Matching Deferred Compensation Plan to: Burke Group. Carried unanimously.***

T. Anderson again asked if anyone wished to comment on the public hearing. Hearing no one, the Board proceeded to close the public hearing at 9:05 am.

***Motion: E. Gott moved and T. Saunders seconded to close the public hearing on the proposed 2019 Rate and Fee schedule. Carried unanimously.***

#### **RESOLUTION NO. 2018 – 25 ADOPTING THE 2019 RATE AND FEE SCHEDULE**

WHEREAS, notice of the public hearing regarding the proposed 2019 rate and fee schedule, was provided in accordance with Section 1199-yyy of the Public Authorities Law; and

WHEREAS, the public hearing was held on October 24, 2018, to hear comments on the proposed 2019 rate and fee schedule attached hereto; NOW THEREFORE BE IT

RESOLVED, that the Livingston County Water & Sewer Authority (LCWSA) Board adopts the 2019 rate and fee schedule, with the following effective dates:

2019 Water and Sewer Rates – November 1, 2018 (Start date for 1<sup>st</sup> Quarter 2019 Billing Period)  
2019 Water and Sewer Fees – January 1, 2019

*Motion: E. Gott moved and T. Saunders seconded to approve Resolution No. 2018-25 Adopting the 2019 Rate and Fee schedule. Carried unanimously.*

**RESOLUTION NO. 2018-26 ENROLLMENT IN LIVINGSTON COUNTY SELF-INSURANCE PLAN FOR WORKERS' COMPENSATION**

WHEREAS, following a public hearing held on October 10, 2018, the Livingston County Board of Supervisors approved Local Law No. 4-2018 – A Local Law Amending and Restating Local Law No. 4 of the Year 2016 Relative to the Livingston County Self-Insurance Plan for Workers' Compensation; and

WHEREAS, the amendments to the Local Law included but were not limited to adding "Livingston County Water and Sewer Authority" as an eligible participant in the plan and defining apportionment of plan costs as follows:

"Special district or authorities participating in the Plan with limited taxable real property will have unique rating factors developed by the County and will be calculated on an annual basis. The County will apply a Special District or Authority Discount/Surcharge, in addition to standard rating factors such as taxable values, payrolls, experience modifiers, and towns/ villages/counties served to manage special participant pricing to within 30% of New York State Workers' Compensation Board (NYSWCB) rating guidelines. In calculating the NYSWC Premium for a Special District or Authority, the Plan shall cap any NYSWCB annual rate increase to a maximum of 25%."

WHEREAS, as of January 1, 2019, the Livingston County Water & Sewer Authority (LCWSA) will no longer be leasing employees from Livingston County and will instead be employing its staff directly, and will be required to secure Workers' Compensation coverage for these employees; and

WHEREAS, the LCWSA is currently a member of Public Employer Risk Management Association, Inc. (PERMA), a workers' compensation group self-insurance program for local governments and other public employers and instrumentalities of the State of New York; and

WHEREAS, after thoughtful review and consideration, the LCWSA has determined that the preferred option to provide Workers' Compensation coverage to its employees is through enrollment in the Livingston County Self-Insurance Plan for Workers' Compensation, effective January 1, 2019; NOW THEREFORE BE IT

RESOLVED, that the LCWSA Board hereby elects to become a participant in Livingston County Self-Insurance Plan for Workers' Compensation, effective January 1, 2019, and authorizes the Executive Director to:

- (1) Forward a certified copy of this resolution to the Livingston County Board of Supervisors, in accordance with Article 4, Paragraph (B)(1) of Local Law No. 4-2018, and
- (2) Provide notice of cancellation/termination of membership in PERMA, effective December 31, 2018 at 11:59 pm, in accordance with the terms of the existing agreement between LCWSA and PERMA.

*Motion: M. McKeown moved and T. Saunders seconded to approve Resolution No. 2018-26 Enrollment in Livingston County Self-Insurance Plan for Workers' Compensation. Carried Unanimously.*

**RESOLUTION NO. 2018-27 AUTHORIZATION TO FILL VARIOUS CIVIL SERVICE POSITIONS BY TRANSFER AND/OR APPOINTMENT**

WHEREAS, as of January 1, 2019, the Livingston County Water & Sewer Authority (LCWSA) will no longer be leasing employees from Livingston County and will instead be employing its staff directly; and

WHEREAS, in order to continue providing *"high quality, environmentally sound, efficient, reliable, and affordable water and sewer services to the people who live, work, and visit Livingston County,"* the LCWSA created various Civil Service positions by Resolution Nos. 2018-14 through 2018-19; and

WHEREAS, in accordance with its enabling legislation and New York Civil Service Law §70, the LCWSA Board intends to transfer and/or appoint to the LCWSA all currently leased County employees, effective January 1, 2019 at 12:00 am; and

WHEREAS, in accordance with Livingston County Civil Service Rule 17, *"any individual serving in a competitive class position as a permanent appointee may be permanently appointed to another competitive class position subject to these rules without further competitive examination;"* and

WHEREAS, the following County leased employees shall be transferred to the LCWSA in accordance with Rule 17:

<b>Name</b>	<b>Livingston County – Civil Service Position</b>	<b>LCWSA – Civil Service Position (effective Jan 1, 2019)</b>
Cheryl A. Cappadonia	Senior Account Clerk/Typist (Permanent Competitive)	Senior Account Clerk/Typist (Permanent Competitive)
Brittney R. Harris	Account Clerk/Typist (Permanent Competitive)	Account Clerk/Typist (Permanent Competitive)
Rene P. Lewis	Principal Account Clerk (Permanent Competitive)	Principal Account Clerk (Permanent Competitive)

WHEREAS, the following County leased employees in non-competitive and provisional competitive class positions shall be appointed to LCWSA positions, immediately following resignations from their existing Livingston County positions effective December 31, 2018 at 11:59 pm to permit such appointment:

<b>Name</b>	<b>Livingston County – Civil Service Position</b>	<b>LCWSA – Civil Service Position (effective Jan 1, 2019)</b>
Joseph J. Bauer, Jr.	Water/Wastewater Maintenance Person (Non-competitive)	Water/Wastewater Maintenance Person (Non-competitive)
James P. Cucinotta	Water/Wastewater Maintenance Person (Non-competitive)	Water/Wastewater Maintenance Person (Non-competitive)
Matthew T. Gascon	Water/Wastewater Maintenance Person (Non-competitive)	Water/Wastewater Maintenance Person (Non-competitive)
Joseph J. Hauslauer	Water/Wastewater Maintenance Person (Non-competitive)	Water/Wastewater Maintenance Person (Non-competitive)

<b>Name</b>	<b>Livingston County – Civil Service Position</b>	<b>LCWSA – Civil Service Position (effective Jan 1, 2019)</b>
Mark D. Kosakowski	Director of Operations (Provisional Competitive)	Director of Operations (Provisional Competitive)
Thomas G. Kuch	Building Maintenance Person (Non-competitive)	Building Maintenance Person (Non-competitive)
Todd M. Marsh	Water/Wastewater Maintenance Person (Non-competitive)	Water/Wastewater Maintenance Person (Non-competitive)

WHEREAS, although the effective date of transfer and/or appointment to the LCWSA shall be January 1, 2019, the hire date to be used for calculation of seniority and pay and benefits, including: wages and longevity increments, leave time, health insurance benefits (eligibility and contribution) and such other benefits for which hire date and/or seniority are relevant, for the above ten (10) employees shall be based upon his/her last date of hire as a full-time employee with Livingston County prior to transfer and/or appointment to the LCWSA, as summarized below:

<b>Name</b>	<b>Date of Hire/Seniority Date</b>
Joseph J. Bauer, Jr.	April 2, 2007
Cheryl A. Cappadonia	October 3, 2014
James P. Cucinotta	August 13, 2007
Matthew T. Gascon	December 18, 1989
Brittney R. Harris	June 11, 2018
Joseph J. Hauslauer	August 28, 2014
Mark D. Kosakowski	June 27, 1987
Thomas G. Kuch	July 26, 2010
Rene P. Lewis	February 14, 2000
Todd M. Marsh	November 12, 1996

NOW THEREFORE BE IT RESOLVED, that the LCWSA Board hereby authorizes the filling of ten (10) Civil Service positions in the manner described above, and authorizes the Executive Director to submit the necessary documentation to the Livingston County Personnel Department, including but not limited to Report of Personnel Change (RPC) forms, to effectuate the transfer and/or appointment of the above ten (10) County leased employees, effective January 1, 2019.

*Motion: S. Beardsley moved and E. Gott seconded to approve Resolution No. 2018-27 Authorization to fill various Civil Service positions by transfer and/or appointment. Carried unanimously.*

**Lease Termination/Retiree Health Benefit Agreement (Livingston County/LCWSA)**

The Board reviewed the draft agreement that was prepared by the Livingston County Attorney (S. Hillier) and reviewed by J. Campbell. The agreement terminates the existing employee lease agreement, and addresses on-going retiree health benefit costs and LCWSA's final reimbursement to Livingston County for its pro rata share of the 2018 employer contribution to the New York State and Local Retirement System (NYSLRS).

*Motion: J. Deming moved and S. Beardsley seconded to authorize the LCWSA Chairman to sign the Lease Termination/Retiree Health Benefit Agreement. Carried unanimously.*

*Motion: E. Gott moved and M. McKeown seconded to authorize the Executive Director to provide written notice to Livingston County of the termination of the existing employee lease agreement between LCWSA and Livingston County, effective December 31, 2018 at 11:59 pm, in accordance with Paragraph 11 (Term) of the agreement.*

**Flex Spend Account – Plan Setup & Administration**

M. Baines noted that the existing Livingston County-CSEA agreement allows for employees to maintain a Flex Spend Account (FSA). In order to offer substantially equivalent benefits as part of the employee transfer, this same language will be included in the new LCWSA-CSEA agreement. LCWSA will need to retain a third party administrator to set up and administrator the plan. KBM Management, the health benefits administrator for LCWSA, has recommended BRI (Benefit Resource, Inc.), as their fees are the most competitive. The Board reviewed the quote from BRI to set up and administer the FSA plan. The Board did recommend that two (2) additional quotes be obtained from other third party administrators and kept on file.

*Motion: J. Deming moved and S. Beardsley seconded to authorize the Executive Director to sign an agreement with BRI to set up and administer the FSA plan, on behalf of LCWSA. Carried unanimously.*

**Lakeville Wastewater Treatment Plant (SPDES NY0032328) - NYSDEC Revised Consent Order**

J. Campbell provided an update to the Board on the revised Consent Order that was issued by NYSDEC on October 10, 2018. Revisions have been made to the Consent Order based on the meeting that was held on September 27, 2018 between DEC Region 8 staff (Karis Manning, Michele Vincent, Pradeep Jangbari, Dennis Harkawik, Esq.) and LCWSA staff and representatives (M.Baines, M.Kosakowski, CPL: E. Wies, D. Insinna, Kruk & Campbell: J. Campbell). Major changes include: elimination of those items that DEC has acknowledged that it received in prior correspondence, including the Fast Report on Significant Industries (FROSI) forms; reduction in the payable fine/penalty to \$15,000; and the earmarking of \$25,000 for manhole repair/replacement. The Board reviewed the document and also discussed the “Compliance Directive” section, which identifies certain deadlines for submitting supplemental information to DEC regarding infiltration and inflow (I/I) reduction.

*Motion: M. McKeown moved and J. Deming seconded to authorize the LCWSA Chairman to sign the Revised Consent Order. Carried unanimously.*

**Executive Session**

*Motion: S. Beardsley moved and M. McKeown seconded that the Board adjourn and reconvene in Executive Session for the purpose of discussing information regarding proposed, pending or current litigation; and that T. Anderson act as Chairman and M. Baines act as Secretary, and M. Kosakowski, R. Lewis, E. Wies, and J. Campbell remain present. Carried unanimously.*

*Motion: E. Gott moved and T. Saunders seconded to end the Executive Session. Carried unanimously.*

The Board reconvened in regular session. The following report was presented.

**REPORT OF EXECUTIVE SESSION**

The Board of Livingston County Water & Sewer Authority having met in Executive Session for the purpose of discussing information regarding proposed, pending or current litigation, hereby reports as follows:  
No action taken.

Dated October 24, 2018

T. Anderson

M. Baines, Secretary

**Communications**

M. Baines provided a brief reminder to the Board, that each Board member will need to complete the “Annual Board of Directors Evaluation Form” by end of year, so the results of the evaluation can be forwarded to the Authorities Budget Office (ABO) within 60 days after the start of the next fiscal year. We have received four (4) completed forms to date.

***Adjourn: Motion: J. Deming moved and M. McKeown seconded to adjourn the board meeting at 10:43 am.  
Carried unanimously.***