



APPROVED
May 23, 2018

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

Excused Absent: P. Brooks

Others attending: M. Baines (Executive Director), 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, and welcomed new board member Eric Gott, who has been appointed by the County Board of Supervisors to fill the unexpired term (to 12/31/18) of David LeFeber.

Approval of Minutes – March 28, 2018 Regular Board Meeting

Motion: J. Deming moved and M. McKeown seconded to approve regular board meeting minutes dated March 28, 2018. Carried unanimously.

Financial report – R. Lewis reviewed the Financial report with the Board. R. Lewis noted that in reviewing expenditures for “Wages” year-to-date versus the same timeframe last year, it was determined that a payment to the County for Payroll #2 in 2017 had not been made. R. Lewis requested approval to make this payment, and noted that this would be reflected as a 2018 expense. R. Lewis also informed the Board that Cheryl Cappadonia had recently passed the Notary Public exam.

Motion: F. Miller moved and S. Beardsley seconded to approve the Financial Report. Carried unanimously.

Motion: E. Gott moved and F. Miller seconded to approve payment of \$24,803.56 for 2017 Payroll #2. Carried unanimously.

Other items discussed under financial portion of meeting:

LCWSA Acct #12494 (40 Washington St, Village of Livonia)

R. Lewis and M. Baines explained to the Board that the property owner had contacted LCWSA by phone on March 20, 2018 and indicated that she believed that she should no longer be assessed as 2 sewer units. LCWSA staff conducted a physical inspection of the premises on March 20, 2018 and confirmed that the dwelling had been modified from a single family home w/ in-law apartment to a single family home only. LCWSA staff issued a letter to the property owner, dated March 22, 2018, indicating that the sewer unit assessment would be reduced to 1 unit, effective February 1, 2018 (start date of current billing period). Upon receiving letter, property owner contacted LCWSA and stated that she had spent the last 16 years trying to resolve the unit assessment issue, and was now requesting a meeting with LCWSA staff. R. Lewis and M. Baines met with the property owner on April 9, 2018. The property owner was unable to produce any written documentation demonstrating that LCWSA had been contacted multiple times regarding this issue, and there were no records of any communications in the customer file maintained by LCWSA regarding this issue. The property owner indicated that she felt that she should be reimbursed for several years of “overpayment”. R. Lewis and M. Baines indicated to the property owner that without any documentation supporting the assertion

that this issue went unresolved for 16 years, the request for reimbursement would need to be brought to the LCWSA Board for consideration at its April 25, 2018 meeting.

The Board discussed this information and also reviewed the existing policy regarding reimbursements (i.e. corrections of inaccuracies in billing), which states that the statute of limitations is a maximum of 6 years and reimbursements are only made in situations where there has been a clear error in billing. In this case, LCWSA was notified on March 20, 2018 of the sewer unit issue, and then promptly conducted a physical inspection of the premises, and adjusted the assessment to 1 unit. The Board agreed to have Jim Campbell prepare a letter to the property owner indicating that the request for reimbursement has been denied.

Motion: F. Miller moved and J. Deming seconded authorizing Jim Campbell to prepare a letter to the property owner indicating that the request for reimbursement has been denied. Carried unanimously.

Village of Mt Morris – Wholesale Sewer Rate Discussion Update

R. Lewis and M. Baines provided a brief update on the most recent communications with the Village of Mount Morris regarding a potential increase in the sewer rate charged to LCWSA. R. Lewis and M. Baines met again with Village representatives on April 23, 2018, and reviewed the budgetary information that the Village previously provided. The Village indicated that the proposed rate increase to Village residents was adopted following a public hearing on April 16, 2018. R. Lewis and M. Baines indicated to the Village that a potential rate increase to LCWSA should reasonably represent LCWSA's proportionate share of Village expenses to collect, convey, and treat the wastewater, and that there are some inherent challenges in trying to quantify these costs as the Village's budget does not break down collection/conveyance costs from treatment costs. The rate increase that the Village has proposed to LCWSA is higher than the retail rates recently adopted for Village residents. The Village indicated that it was receptive to LCWSA developing a proposal for a "wholesale sewer rate" and presenting this to the Village for consideration.

Approval of Bills – R. Lewis reviewed the monthly bills with the Board.

Motion: S. Beardsley moved and E. Gott seconded to approve paying the bills for Operating Expenditures and Projects in an amount not to exceed \$324,651.38. Carried unanimously.

Motion: J. Deming moved and S. Beardsley seconded to approve paying the bills for Utilities in an amount not to exceed \$24,547.62, Commodity in an amount not to exceed \$864.33, and for miscellaneous expense in an amount not to exceed \$17,902.97. Carried unanimously.

Operations and Capital Report

In M. Kosakowski's absence, M. Baines reviewed the Operations and Capital reports with the Board (on file with the Secretary). The following item was further discussed by the Board:

Electrical damages to Groveland Pump Station (Lower Tank) – M. Baines indicated that these damages occurred during the windstorm in early April, and were caused by a high voltage line crossing a transmission line and sending a surge into the system. Repairs to the pump station are being performed by M.W. Controls and were authorized on an emergency basis. As these repairs are ongoing, it is not yet known whether the costs will exceed LCWSA's insurance deductible of \$10,000.

Other Business

LCWSA Personnel – C. Cappadonia (Account Clerk/Typist), Provisional appointment to Sr. Account Clerk/Typist

M. Baines informed the Board that C. Cappadonia has been taking on increasing responsibilities since joining the Authority in 2014, and sat for the Sr. Account Clerk/Typist (Promotional) exam in early March 2018. The exam results have not yet been issued, which typically takes 2-4 months. In addition, due to the pending retirement of our second Account Clerk/Typist, there has been discussion about establishing a transition plan in which a new hire could shadow our second Account Clerk/Typist. In order to create a vacancy in one of the two (2) existing Account Clerk/Typist positions, it is recommended that C. Cappadonia be provisionally appointed to Sr. Account Clerk/Typist.

Motion: J. Deming moved and S. Beardsley seconded approving the provisional appointment of C. Cappadonia to Sr. Account Clerk/Typist. Carried unanimously.

Rising Storm Brewing Company (5750 South Lima Rd, Tax Parcel ID 65.-1-12.702), Sanitary Sewer Connection

M. Baines and M. Kosakowski attended a meeting with Jeff Riedl, Owner of Rising Storm Brewing Company, on April 6, 2018 regarding a proposed sanitary sewer connection. With no public sewer connection available on South Lima Road, Rising Storm Brewing Company has coordinated with the adjacent property owner at 5740 South Lima Road to connect into an existing 6" gravity sanitary sewer lateral that currently serves 5740 South Lima Road. The existing gravity lateral is located on the west side of the property and extends south then west and connects into LCWSA's existing sewer system, located in the vicinity of 5704/5711 Gateway Park. Due to existing topography, a grinder pump and low pressure sewer will be needed to serve the proposed brewery. Rising Storm Brewing Company has obtained an easement from the adjacent property owner to install the proposed sewer facilities and connect into the existing 6" gravity sanitary lateral.

Rising Storm Brewing Company has also submitted an Engineer's Report, which includes a capacity analysis of the existing 6" gravity sanitary lateral. The report indicates that the peak demand from both properties (5740 and 5750 South Lima Road) does not exceed the minimum capacity of the existing lateral.

In order to proceed with the sewer connection, it will be necessary for LCWSA to waive the requirement that each real property parcel have a separate lateral connected directly to the public sewer system.

Motion: S. Beardsley moved and F. Miller seconded waiving the requirement that each real property parcel have a separate lateral connected directly to the public sewer system, and allowing Rising Storm Brewing to proceed with the sewer connection as currently proposed. Carried unanimously.

Proposed Village of Livonia Water System Pressure Improvements (Meadow Drive, Shelly Road, etc.)

E. Wies reviewed again the two (2) options and associated costs that were developed in Fall 2017 and presented at the November 29, 2017 Board Meeting, to address chronic water system pressure issues within a portion of the Village of Livonia. Option 1 would benefit both Village and LCWSA customers (Project Cost \$292,000), and Option 2 would benefit Village customers only (Project Cost

\$226,000). M. Baines informed the Board that there have been several recent meetings between LCWSA staff and the Village Mayor regarding Option 1, and the development of a potential financing arrangement. The Board consensus was to contribute \$66,000 to the project, which represents the cost difference between the two options. As the Village is responsible for capital improvements to the Village distribution system, it would be responsible for the \$226,000. The Board indicated some concerns about acting as the “financing entity” for the full cost of the project (\$292,000), with the Village’s portion of the costs to be repaid over a certain period of time. The Board’s preference would be for the Village to secure outside financing for their portion of the costs.

Proposed Town of Groveland Intermunicipal Cooperation Agreement (Water Main Extensions – Aten Rd & Rosebrugh Rd)

M. Baines indicated that there had been preliminary discussions with the Town of Groveland regarding connecting the Town Hall (located on Aten Road) to public water upon completion of the DOCCS water supply project. Although the Town was initially considering installation of approximately 550 linear feet of private 2-inch water service line along Aten Road, there has been further discussion that there would be a greater community benefit if this was a public water main extension, that could potentially be accomplished through an intermunicipal cooperation agreement between the Town and the Authority with shared responsibilities regarding the engineering/inspection, purchasing of materials, and installation. Although a potential water main extension on Rosebrugh Road was also discussed, the consensus of the Board was to proceed with developing an intermunicipal cooperation agreement with the Town to cover the Aten Road water main extension only.

Lakeville WWTP Upgrades (NYSEFC Project No C8-6449-05-00) – Phase 1

E. Wies explained to the Board that since the last Board meeting it was necessary to modify the project scope to include a new bio-tower in lieu of constructing a third trickling filter and raising the two (2) existing trickling filters. The primary reason is that structurally it would not be feasible to increase the wall height on the existing trickling filters. E. Wies updated the Board that we are meeting the Bid Phase schedule laid out at the last Board meeting, which included advertising on April 11, 2018. Bid opening has been scheduled for May 10, 2018. E. Wies also updated the Board that CPL and LCWSA staff met with NYSDEC (Karis Manning, Regional Water Engineer), to discuss concerns regarding the schedule and the ability to meet the April 1, 2019 SPDES permit compliance deadline, if unforeseen conditions (e.g. inclement weather, equipment lead times, etc.) arise. At this meeting, K. Manning indicated that it would be unlikely that the permit deadline would be extended but she indicated that the lower ammonia limit is a seasonal requirement and starts May 1 (and ends October 31), which provides LCWSA with an additional month to meet the requirement. K. Manning also indicated a willingness to work with LCWSA if unforeseen conditions arise, and encouraged LCWSA and CPL to keep NYSDEC updated as the project progresses.

DOCCS Water Supply Project

E. Wies distributed copies of the updated project schedule (on file with Secretary), and reviewed with the Board. At this point in the project, the critical path items relate to National Grid extending power to both the Maple Beach Pump Station and Dennison Road Tank site, to allow for pressure testing and flushing of the water mains installed under Contracts 2A and 2B. The schedule currently identifies a project end date of June 30, 2018.

2017 Annual Report

The Board reviewed Section 5 (Activities & Accomplishments) of the Annual Report. No action taken.

Communications – The following items were provided to Board members for informational purposes. No action taken.

- “Wayne County Water and Sewer Authority, Water and Sewer Operations and Wastewater System Cybersecurity” Audit Report by Office of NYS Comptroller (April 2018)
- Genesee Country Express Article “Village (of Dansville) approves RFPs for Capital Planning” (April 19, 2018)

Executive Session

Motion: E. Gott moved and J. Deming seconded that the Board adjourn and reconvene in Executive Session for the purpose of discussing: the medical, financial, credit, or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation; and that T. Anderson act as Chairman and M. McKeown act as Secretary, and J. Campbell remain present. 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: the medical, financial, credit, or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;

hereby reports as follows:

No action taken.

Dated April 25, 2018

T. Anderson

M. McKeown, Secretary

Motion: E. Gott moved and J. Deming seconded that the Report of Executive Session be accepted and the Board reconvene in regular session. Carried unanimously.

Motion: F. Miller moved and E. Gott seconded that based on the Executive Director’s annual performance evaluation conducted by the Board and in accordance with Paragraph 3 of the employment agreement between LCWSA and Michelle Baines, the annual salary of the Executive Director be increased to \$90,000.00, effective April 17, 2018 (anniversary date). Carried unanimously.

Adjourn: F. Miller moved and E. Gott seconded to adjourn the Board meeting. Carried unanimously.