

Members Attending: T. Anderson, S. Beardsley, P. Brooks, E. Gott, M. McKeown, T. Saunders

Excused: J. Deming

Absent:

Others attending: M. Baines (Executive Director), M. Kosakowski (Director of Operations), R. Lewis (Principal Account Clerk), B. Harris (Account Clerk/Typist), E. Wies (Clark Patterson Lee), J. Campbell (Kruk & Campbell, P.C.), S. McClaren (Webster Szanyi, LLP)

Call to Order – With a quorum present, Chairman T. Anderson called the meeting to order at 8:02 am.

Approval of Agenda

Motion: *P. Brooks moved and E. Gott seconded to approve the agenda as presented. Carried unanimously.*

Approval of Minutes – May 22, 2019 Regular Board Meeting

Motion: *P. Brooks moved and E. Gott seconded to approve regular board meeting minutes dated May 22, 2019. Carried unanimously.*

Privilege of the Floor – None.

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

Motion: *S. Beardsley moved and E. Gott seconded to approve the Financial Report. Carried unanimously.*

Bills: R. Lewis reviewed the monthly bills. M. Baines noted under P31085 DOCCS Water Supply Project, contractors have submitted “Final” payment applications for Board approval. As LCWSA staff is still waiting on certain project closeout paperwork (lien releases, etc.) from contractors, it is recommended that Board approve payment, subject to receipt and approval by LCWSA of all necessary contract closeout documents.

Motion: *E. Gott moved and M. McKeown seconded to approve paying Total Operating & Projects expenditures of \$522,906.45 as follows: Operating Expenditures in an amount not to exceed \$79,204.08; Project Expenditures in an amount not to exceed \$443,702.37, with final payments to contractors on the DOCCS Water Supply Project subject to receipt and approval by LCWSA of all necessary contract closeout paperwork. Carried unanimously.*

Motion: *S. Beardsley moved and M. McKeown seconded to approve paying the bills for Utilities & Miscellaneous expenditures in an amount not to exceed \$139,811.31. Carried unanimously.*

Operations and Capital Report

M. Kosakowski reviewed the Operations and Capital Reports with the Board (on file with Secretary). The following items were further discussed by the Board:

- **June 20, 2019 Joint DEC/USACE Inspection of Conesus Lake Gates & Outlet**

M. Kosakowski noted that during the inspection on the gates, one of the metal grates of the walkway grating dislodged and fell into the outlet. Given the high flows, it was not possible to ascertain whether the grating was swept downstream into the creek. Safety cones have been placed temporarily on either

side of the missing grate, and LCWSA staff that operate the gates have been informed. There is no public access to this area, as entrance points on either side of dam are locked at all times. M. Kosakowski and M. Baines to contact DEC following the board meeting, regarding “responsibilities” of DEC vs LCWSA for repairs/replacement to the actual gates, as the entire dam structure is owned by DEC.

- **LCWSA Consolidated Water District – USEPA Administrative Order (dated June 18, 2019)**
On June 24, 2019, LCWSA received an Administrative Order (AO) issued by the US Environmental Protection Agency (EPA) for repeated exceedances in the maximum contaminant level for certain Disinfection Byproducts at its sampling location at 7161 Groveland Hill Road in the Hamlet of Groveland Station. E. Wies reviewed Section III with the Board, which describes required submittals to the EPA to comply with the AO. This includes the submittal of a corrective action plan within 30 days of receipt of the AO.

Other Business

DOCCS Water Supply Project

- **Final Quantity Adjustment (Over/Under) Change Orders (Contract No. 2B, Villager Construction, Inc. – Change Order No. 2; Contract No. 4, Bell Mechanical Contractor, Inc. – Change Order No. 2)**
E. Wies circulated copies of proposed Change Orders No. 2 (on file with Secretary) to the Board for review and approval. The change orders consist of final quantity adjustments to Contract No. 2B and Contract No. 4, respectively. For Contract No. 2B, the change order also includes the additional work at Maple Beach Road Pumping Station as part of the agreement with the Livingstons. These change orders will result in the following adjustments to the final contract amounts:
 - Contract No. 2B – Decrease of \$181,310.59 (Final Contract Amt: \$2,043,414.41)
 - Contract No. 4 – Decrease of \$22,069.00 (Final Contract Amt: \$1,052,881.00)

Motion: M. McKeown moved and T. Saunders seconded to approve Change Order No. 2 (Final Quantity Adjustment/Maple Beach Rd PS Improvements) to Contract No. 2B of the DOCCS Water Supply Project, which decreases the contract by \$181,310.59 and results in a final contract amount of \$2,043,414.41. Carried Unanimously.

Motion: P. Brooks moved and E. Gott seconded to approve Change Order No. 2 (Final Quantity Adjustment) to Contract No. 4 of the DOCCS Water Supply Project, which decreases the contract by \$22,069.00 and results in a final contract amount of \$1,052,881.00. Carried Unanimously.

- **Engineering Amendment No. 3 (Additional Survey/Easement Work)**
M. Baines indicated that there is a final easement that will need to be acquired as part of the project for a water sampling station that was installed in the vicinity of 5550 West Lake Road (Groveland, NY). Proposed Engineering Amendment No. 3 (on file with Secretary) in the amount of \$2,200.00 will cover the necessary survey work, which will be coordinated through CPL.

Motion: E. Gott moved and M. McKeown seconded to approve Engineering Amendment No. 3 to the DOCCS Water Supply Project, in the amount of \$2,200.00, to cover: Additional survey work for water sampling station at 5550 West Lake Road. Carried Unanimously.

- **Budget Update – Final Expenses**
M. Baines and R. Lewis provided a brief update to the Board regarding status of final project expenditures. With all final payment applications submitted by Contractors, LCWSA staff is currently finalizing those direct expenses that LCWSA incurred during the course of the project. At this time, we are within 0.15% of the approved project budget of \$8,374,000.

Employee Transition – Technology Upgrades (New Work Order System)

J. Campbell circulated copies of the draft “Shared Services Software License and Use Agreement” (on file with Secretary) between LCWSA and the Mohawk Valley Water Authority (MVWA), which will enable LCWSA to utilize MVWA’s “Workflow Management Platform”. The agreement was prepared by MVWA’s attorney, but has been reviewed by both J. Campbell and LCWSA’s IT consultant, Layer3 Technologies. Section 10 identifies the proposed fees to utilize the system: one-time start-up fee of \$11,000.00 and quarterly fee of \$1,200.00. M. Baines noted that these fees appear to be reasonable, as compared to other work order system software options that were previously evaluated by LCWSA staff.

Motion: M. McKeown moved and E. Gott seconded to approve the “Shared Services Software License and Use Agreement” between LCWSA and MVWA, and to authorize the Executive Director to sign the agreement, subject to final LCWSA and MVWA attorney review. Carried Unanimously.

LCIDA - Proposed Main Extension Agreement – Interstate Drive Sanitary Sewer Improvements

M. Baines informed the Board that she recently met with Bill Bacon, Executive Director for Livingston County Economic Development, regarding proposed water and sewer improvements to be completed by LCIDA in the James M. Steele Commerce Park in the Town of Avon. This includes installation of approximately: 540 linear feet of 8-inch polyvinyl chloride (PVC) sewer main, two (2) 4-foot diameter sanitary manholes, and five (5) 6-inch sanitary sewer laterals and cleanouts, to be located within the Interstate Drive public right-of-way and an existing 15-foot wide easement. The intent is for the LCIDA to dedicate the facilities to LCWSA once constructed, which will require the preparation of a main extension agreement.

The Board reviewed the draft main extension agreement (on file with Secretary) that was prepared by J. Campbell and M. Baines, including Section 2 (Fees and Charges) which waives “Developer Fees” as the developer (LCIDA) is a quasi-municipal public benefit organization and the proposed development serves a public benefit. The agreement will also cover previously installed sewer mains along Tec Drive and Interstate Drive completed as part of prior project phases, which were certified by a licensed professional engineer but were never fully dedicated to and accepted by LCWSA. One of the current challenges is locating as-built drawings of the sewer mains installed under prior project phases.

Motion: S. Beardsley moved and T. Saunders seconded to approve the main extension agreement between LCIDA and LCWSA for the proposed Interstate Drive Sanitary Sewer Improvements (as described above) and those sewer mains installed under prior phases on Tec Drive and Interstate Drive, including the waiving of “Developer Fees and Charges”, and authorizing the Executive Director to sign the agreement subject to receipt of the necessary as-built documentation for those previously installed sewer mains. Carried (5 voting in favor, P. Brooks abstaining).

Lakeville Wastewater Treatment Plant (SPDES NY0032328) – Consent Order Update

The Board reviewed major components of the “Inflow and Infiltration Evaluation” Report (on file with Secretary) that was prepared by CPL and was submitted to NYSDEC by end of May 2019, in accordance with the Compliance Directive Schedule. This includes: Sections 3 (Private Property I&I Investigation), 4 (Evaluation Considerations), and 5 (Project Implementation Schedule).

E. Wies, J. Campbell, and M. Baines provided the Board with a debrief on the meeting that was held on June 21, 2019 between DEC Region 8 Staff (Karis Manning, Michele Vincent, Dennis Harkawik, Esq.) and LCWSA staff and representatives (M. Baines, M. Kosakowski, CPL: E. Wies, Z. Anderson, Kruk & Campbell: J. Campbell) regarding the Consent Order and recent Compliance Directive submittals. DEC had previously sent review comments on the I/I report, which were relatively minor and have been addressed in a response letter prepared by CPL. LCWSA staff and its representatives emphasized the importance of gathering sufficient data through additional flow metering and field inspections, to ensure that public funds are being expended in a fiscally responsible manner on projects that result in measurable reductions in extraneous flow coming to the treatment plant. DEC indicated that the draft Sewer Use Rules & Regulations that were submitted by LCWSA

are still under review, but they had no objections to the proposed Intermunicipal Agreement template that was developed by J. Campbell, which would enable LCWSA to enforce the Regulations with the same force and effect as if they were laws. LCWSA agreed at the meeting to complete SEQR and re-submit the necessary permit modification paperwork related to increasing the permitted flow from 0.98 MGD to 1.27 MGD at the Lakeville Wastewater Treatment Plant.

M. Baines and E. Wies updated the Board that an I/I steering committee was being created to help guide implementation of the I/I reduction program. The committee will include representation from all six (6) municipalities that contribute flows to the Lakeville WWTP (Town of Avon, Town of Conesus, Town of Geneseo, Town of Groveland, Town of Livonia, Village of Livonia), and will also include a representative from Livingston County Economic Development and the Conesus Lake Association. An LCWSA Board member is also needed. T. Anderson indicated he would volunteer to be part of the I/I steering committee.

Communications

The following item(s) were provided to Board members for informational purposes. No action taken.

- “Town of Philipstown, Board Oversight of Water Billing Operations” Audit Report by Office of NYS Comptroller (May 2019)
- Livingston County News Article “Water wrinkle: Planned prison closure raises concerns for Water and Sewer Authority” (published June 13, 2019)
- USEPA Letter (dated June 18, 2019) re: LCWSA Consolidated Water District (PWS ID No. NY2501019) Administrative Order, Docket No. SDWA-02-2019-8032
(See discussion summary under Operations Report)
- *Reminder:* Sexual Harassment Prevention Training (for LCWSA Staff & Board Members) scheduled immediately after Board Mtg, at Watershed Education Center. Training to be provided by Susan McClaren, Webster Szanyi LLP.

Susan McClaren entered the meeting at 10:00 am.

Updates to Workplace Harassment Laws (Webster Szanyi, LLP)

S. McClaren provided an update to the Board about recent changes to the State’s anti-discrimination and anti-harassment laws, which will impact employers with employees based in New York State. It is anticipated that the governor will sign the bill into law shortly, and the new legislation builds on sexual harassment reforms implemented in 2018.

Adjourn: Motion: S. Beardsley moved and M. McKeown seconded to adjourn the Board meeting at 10:29 am. Carried unanimously.