

Minutes

NORTH CHAUTAUQUA COUNTY WATER DISTRICT BOARD

Thursday, May 14, 2020, 4:00 p.m.

*Meeting held by remote Zoom conference in compliance with
Governor Cuomo's Executive Order 202.1*

Chairman Purol called the meeting to order at 4:06 p.m.

The roll was called and a quorum was present.

Members Present: Dan Pacos, Richard Purol, John Walker, Richard Frost, Dave Hazelton, Jay Warren and Terry Niebel

Members Absent: Dan Schrantz and Brian Purol

Others: Kathy Tampio, Eric Wies, Seth Krull, Jim Crowell and Randy Woodbury

MOVED by Niebel, SECONDED by Walker, the minutes of 4-9-2020 were approved by unanimous vote.

Privilege of the Floor – No one spoke at this time.

Communications

1. SAM Grant original executed Grant Disbursement Agreement
2. ESD GDA – contract amendment
3. Close-out documents for Contract 8 – 716 Contracting

Unfinished Business

1. **Fredonia Interconnections** – pending Water Purchase/Supply Agreement.
2. **CBI Water Works Financial Report** – Financial statement pending

New Business

1. MOVED by Walker, SECONDED by Pacos to approve an amendment to the Water Purchase/Supply Agreement paragraph 7 as follows, with additional language underlined;

7. MEASUREMENT OF WATER PURCHASED AND SOLD BY THE DISTRICT:
The District shall operate, maintain, repair and replace water meters at points of interconnection between the Supplier and Purchasers to accurately measure water conveyed for the administration of this agreement and shall install such meters where they do not currently exist *provided, however* that the readings of individual property water meters can be used where the interconnection serves three or less properties and the line between the point of intersection and individual meters is sound. Each party to this

agreement shall have full access to facilities and properties pertinent to the measurement of water in connection with the agreement. Appendix D sets forth a listing by the City of some, but not all, of the existing points of interconnection stating particulars regarding the lines and meters in place and to be installed; the ultimate configuration of points of interconnection may be modified by the District consistent with the requirements set forth in this paragraph. All operation of master meter connections between the City and the District shall be operated with full knowledge and agreement between the City and the District. If the meter(s) require brief turn-off periods, for maintenance or for any reason, then such turn-off period will be with the knowledge and consent of the City Mayor, or Mayor's City designee and the District Chairman or Chairman's designee, and for all other times the bypass valve(s) at the master meter(s) will remain completely closed. The intent of this phrase is for both the City and the District to jointly know and jointly approve all settings and/or changes at the master meter(s).

Unanimously Carried

2. MOVED by Warren, SECONDED by Walker to recommend to the County to amend the proposed amendment to the Water Purchase/Supply Agreement that was approved at the 3-12-2020 NCCWD Board meeting by further modifying paragraph 1. by striking the language as follows;

AMENDMENT TO CITY OF DUNKIRK – WATER PURCHASE/SUPPLY AGREEMENT
#18-39-04

Amend section 1. as follows with bolded and underlined addition and added strikeout:

1. PURCHASE OF WATER BY THE DISTRICT: The District agrees to purchase from the Supplier and the Supplier agrees to sell to the District all water distributed by the Purchasers ~~except the water distributed in the northeast part of Sheridan currently received from ECWA and except the water distributed in Pomfret currently received from Fredonia.~~ The City will be the only supplier of water to the District. **Notwithstanding the foregoing, the City acknowledges that the District may purchase water from an alternative source in the case of an emergency. Subject to the City's available supply capacity, the District may also distribute water purchased from the City to entities other than the Purchasers. Interconnections to other suppliers (Fredonia, Westfield, Silver Creek, etc.) to the District are permitted, but will only be used under emergency situations. Examples include interruption of supply from the City, District water system failure that results in the City supply being insufficient, and emergency services (structure fire) that requires additional supply. The interconnections may also be used to supply City water to other suppliers (Fredonia, Westfield, Silver Creek, etc.) should an emergency situation occur within their systems. The interconnections will be locked and will only be utilized with concurrence from the City (Mayor or Public Works Director) and the District (Chairman, Executive Director, or Chief Operator).**

Unanimously Carried

3. MOVED by Pacos, SECONDED by Warren to approve the City of Dunkirk Water Billings received for the period of 2/1/2020-4/30/2020 for meters # 2964, 2965, 2971, 292, 2973, 2974, 2975.

Unanimously Carried

4. MOVED by Pacos, SECONDED by Walker to approve Close-out of Contract 8 –Route 5 Water Main North and approve final pay application No. 6 for retainage release for 716 Site Contracting, Inc. in the amount \$67,845.55 contingent upon CPL certification that restoration activities and all remaining contract items are completed.

Unanimously Carried

5. MOVED by Walker, SECONDED by Niebel to rescind a motion carried on 4-9-20 to approve a bid for Tree and Brush Clearing from S.St. George Enterprises.

Unanimously Carried

6. MOVED by Pacos, SECONDED by Walker to award a bid for Tree and Brush Clearing with Culvert Crossing resulting from responses received on May 6, 2020 to an Invitation to Bid No. PW-4-20 NCCWD. All bids were reviewed and the low bid as recommended by CPL Engineer Seth Krull, is to be awarded to Legend Excavating, LLC, 8080 Barnum Road, Cassadaga, NY 14718 in the amount of \$5,850.00.

Unanimously Carried

7. MOVED by Warren, SECONDED by Pacos to authorize the Chairman to execute a temporary agreement with the Town of Sheridan to clear the Contract 10 – Water Storage Tank property owned by the Town of Sheridan on Miller Road, indemnify the Town of Sheridan and list the Town of Sheridan on the contractor's insurance certificates as additional insured, contingent upon review and proposed amendment with approval of legal counsel of the NCCWD and the legal counsel and Town Board of the Town of Sheridan.

Unanimously Carried

Reports

- Financial Report and Administrative Update – Kathy Tampio

SEE ATTACHED

GRANT UPDATE –

1. **SAM** – Pay Request pending Contract 8 Close-out
2. **ESD** – Pay request pending project cost certification from CPA
3. **EFC** – All Contract documents have submitted with coordination of Municipal Solutions and CPL. Short Term EFC financing in process.

NORTH CHAUTAUQUA COUNTY WATER DISTRICT - Financial Report

Prepared by Kathy Tampio

5/11/2020

CAPITAL PROJECT EXPENSE

VENDOR	Contract Amount	Expense to date	DESCRIPTION
CPL-3RD amended	\$ 1,372,902.00	\$ 1,145,492.00	Professional Services - Engineering
Chaut. County		\$ 20,523.66	Professional Services of Paul Snyder
CSX		\$ 6,850.00	Permit Fee
CSX - Engineer fee		\$ 25,130.84	Inspection Fees per Agreement
Norfolk Southern		\$ 12,500.00	Permit Fee
Norfolk Southern		\$ 11,431.84	Engineering/inspection fees
NYS DEC		\$ 330.00	Base permit fees
National Grid		\$ 3,800.00	Permit Fee
Empire State Development		\$ 250.00	Grant application fee
Chaut. County		\$ 913.90	Map & Plan amendment printing
Chaut. County		\$ 5,797.73	Map & Plan amendment mailing postage
Observer/P-J		\$ 54.27	Legal Ads - Notice required by NYS DEC
Observer/P-J		\$ 117.90	Legal Ads- Map & Plan amendment
Brocton Village		\$ 63,560.25	Capital Project Overrun Reimbursement
Brocton Village		\$ 439,895.05	Capital Lease - EFC Loan Debt Service
Contract 8 - 716	\$ 1,367,675.00	\$ 1,356,911.00	Contract 8 - Sheridan Water Main const.
Contract 5 - DJM	\$ 531,000.00	\$ 528,600.00	Contract 5 - meter vaults const.
Contract -			Contract - water main to new tank
Contract -			Contract - Water Storage Tank
Contract -			Contract - Pump Station
Dunkirk Upsizing	\$ 271,000.00	\$ 271,000.00	
ESD GDA Fee	\$ 10,384.19	\$ 10,384.19	
TOTAL CAPITAL EXPENSE TO DATE		\$ 3,903,542.63	

remaining contract expense
\$ 227,410.00

remaining contract expense
\$ 10,764.00
\$ 2,400.00

County Interim funding - Capital - CC RES 236-19 extended up to \$4mil to 12/31/2020

\$ 3,903,542.63 Total expense

\$ **96,457.37** Remaining

NCCWD 2020 OPERATING BUDGET

5/11/2020

BUDGET		EXPENSE YTD	
\$ 4,171.00	.1 base pay	\$ 1,363.15	Payroll Allocation-Admin
\$ 1,088,850.00	.4 contractors	\$ 147,712.32	City Dunkirk Water
\$ 20,000.00		\$ 8,637.40	CBI Water Works O&M
\$ 1,098.00	.5 Indirect Cost	\$ 804.00	NYSAC fee & Indirect Dept. costs
\$ 48,908.00	.7 Interest		Debt Interest
\$ 2,532.00	.8 Benefits	\$ 1,169.80	Payroll Allocation-Admin
\$ 1,165,559.00	TOTAL EXPENSE	\$ 159,686.67	
\$ 1,424,350.00	TOTAL REV	\$ 161,157.03	CBI Water Works
\$ 258,791.00	RESERVE	\$ 1,470.36	Debt Service Reserve

Outstanding Revenue	CBI Water Works	\$ 156,963.37	2nd quarter 2019
2019		\$ 188,420.49	3rd quarter 2019
		\$ 161,157.03	4th quarter 2019 (Oct - Dec)
2020		\$ 32,068.89	1st quarter 2020
		\$ 538,609.78	TOTAL DUE (booked - unpaid)

2019 Expense Accrual	\$ 145,000.00	City Water Charges
2019 Expense Accrual	\$ 3,000.00	CBI O&M Charges
2019 Revenue Accrual	\$ 190,000.00	CBI Water Purchase

- Capital Project Construction Update – Seth Krull
 - Contract 5 and 8 are complete. Close-out in process.
 - Preliminary Design documents for Phase II are under final review at NYS DOH and CCDOH.
 - Anticipate Phase II bids for new water main, water storage tank and pump station will go out late spring pending approvals.
 - Town projects – **Dunkirk** – Roberts Road project complete. Bennett Road Phase II –Route 60 – contract has been awarded. **Portland** – Webster Road project near completion. VanBuren Bay in design and easements in process.

Discussions:

- Purol - CBI Payments – payment of individual outstanding invoices from NCCWD for water usage
- Crowell – INX billing inquiry, CBI to forward water usage data to NCIWD

MOVED to Adjourn by Pacos, SECONDED by Niebel
Unanimously Carried

The meeting ended at 5:30 p.m.

Respectfully Submitted,
Kathy Tampio, Clerk, Chautauqua County Legislature/NCCWD Administrative Coordinator

(The meeting was recorded – verbatim minutes only available upon request)

- Next meeting – June 11, 2020, 4:00 pm, Location to be determined

Approved 6/11/2020