

WESTCHESTER JOINT WATER WORKS
Board of Trustees Meeting
Tuesday, November 10, 2020 at 3:30 p.m.

The meeting was called to order at 3:32 p.m. with the following members present (via video conference):

Present:

- Trustees: Ron Belmont, Tom Murphy, Nancy Seligson,
- Lori Lee Dickson, General Counsel
- Paul Kutzy, Manager
- David Birdsall, Business Director
- Frank Arcara, Chief Water Treatment Plant Operator 1-B
- Jacqueline Briggs, Assistant Civil Engineer
- Zach Wasp, Junior Civil Engineer

Approval of Minutes

Trustee Murphy made a motion to approve the minutes of the October 28, 2020 Board meeting. Trustee Belmont seconded the motion, all in favor:

Trustee Seligson	“aye”
Trustee Belmont	“aye”
Trustee Murphy	“aye”

Financial Reports and Approvals

The Business Director reviewed bank balances and presented claims to the Board highlighting significant items, among them: Contractor Payment – Member Municipality Sewer Rents, Payroll Related Items, Distribution System Materials, Winged Foot Tank Engineering Fees and Infrastructure Taxes (City of Rye).

Approval of Claims: Trustee Murphy made a motion to approve 101 claims totaling \$1,211,368.00. Trustee Belmont seconded the motion, all in favor:

Trustee Seligson	“aye”
Trustee Belmont	“aye”
Trustee Murphy	“aye”

- Final Payment ELQ (Barry Avenue/Macy Road TVOH): Discussions about a payment due to ELQ pending resolution of pavement issues along Avondale Road, potentially related to work done as part of Capital project A-1310 Barry Ave/Macy Rd Transmission Main, continued. WJWW staff and the contractor have met at the site and have had subsequent meetings. The Business Director explained that the submitted claim is made up of contract work and the retainage fee. It was suggested that a payment of \$206,138.81 for the contractor work be made at this time and that the approximate \$152,000 remaining balance related to the retainage fee be held, pending a final resolution of the issue. Partial payment of the contract work will be handled as a pre-approved item.

General Administration:

- **UV Facility Equipment Bid:** EFI Solutions submitted an equipment bid for the construction of a prefabricated UV treatment station in the estimated amount of \$4,277,063.00, which the Business Director explained was lower than anticipated in the engineer's estimate by approximately \$200 thousand. An independent evaluation of the proposal by H2M Architects and Engineers found EFI, the sole bidder, to be qualified, experienced and successful with projects similar in size and complexities to WJWW's project. WJWW is familiar with EFI and has contracted with them in the past, as they did prefabricated work related to the Kenilworth Booster Station project. Approximately 6 months will be needed to construct this prefabricated station. It was also noted that this work is on a separate track from any site work that needs to be done. The Business Director reminded the Board that a New York State Grant of up to \$3.2 million dollars has been awarded to WJWW for this project with an estimated total cost of \$8.0 million. Trustee Murphy made a motion to approve the EFI Solutions equipment bid to construct a prefabricated UV treatment station in the estimated amount of \$4,277,063.00. Trustee Belmont seconded the motion, all in favor:

Trustee Seligson

"aye"

Trustee Belmont

"aye"

Trustee Murphy

"aye"

- **Rye Lake Filtration Facility:** General Counsel presented for the Board of Trustees consideration, a detailed Resolution to declare the intent of Westchester Joint Water Works to serve as Lead Agency for the SEQRA review of a water filtration plant (Project A-1364) for treatment of the Rye Lake public water source. The resolution states as follows:

"WJWW BOARD RESOLUTION DECLARING LEAD AGENCY FOR THE SEQRA REVIEW OF A WATER FILTRATION PLANT FOR TREATMENT OF THE RYE LAKE PUBLIC WATER SOURCE

On motion of _____, seconded by _____, the following resolution was adopted by the Board of Trustees of the Westchester Joint Water Works, Mamaroneck, New York:

WHEREAS, in compliance with mandates of the New York State Sanitary Code and Federal Regulations, the Westchester Joint Water Works ("WJWW") has proposed to construct a filtration plant, on property to be acquired from the County of Westchester within the Town of Harrison, for the filtration and other treatment of drinking water from the Rye Lake public water source (the "Project"); and

WHEREAS, the Project constitutes an "action" by WJWW subject to environmental review in compliance with New York State Environmental Quality Review Act and the provisions of 6 NYCRR Part 617 ("SEQRA"); and

WHEREAS, in accordance with the provisions of SEQRA, on January 28, 2020, the Board of Trustees of the WJWW declared its intent to act as Lead Agency for purposes of the environmental review of the Project and called for the circulation of a Notice of Intent to all Involved and Interested Agencies which was accomplished on February 14, 2020; and

WHEREAS, in accordance with SEQRA, the Notice of Intent provided the Involved Agencies with a mandatory minimum 30-day period to expire on

March 23, 2020 within which to convey objections to WJWW assuming the role of Lead Agency; and

WHEREAS, WJWW further extended the period for response by serving three additional Extension Notices to the Involved Agencies with respective expiration dates of April 23, May 22 and June 22, 2020; and

WHEREAS, on June 22, 2020, WJWW served the fourth and final Extension Notice on the Involved Agencies with the expiration date of July 31, 2020; and

WHEREAS, in response to a possible opportunity conveyed by WJWW's member municipality the Town/Village of Harrison for WJWW to collaborate with the Town/Village of Harrison Planning Board ("Planning Board"), and anticipating that the Planning Board would be taking mirror action at its scheduled meeting on August 4, 2020, WJWW passed a resolution on July 28, 2020 declaring intent to serve as co-lead agency with the Planning Board and authorized the drafting of a new Notice of Intent and Memorandum of Agreement for Co-Lead Agency; and

WHEREAS, following a delay of the Planning Board's August 4 meeting due to weather, the Planning Board took no action at its reschedule meeting on August 18, 2020 or subsequent meetings to recognize the opportunity to collaborate or establish a co-lead agency relationship; and

WHEREAS, with the opportunity for collaboration now foreclosed by the Planning Board's inaction, and upon the expiration of the final extension period on July 31 without having received a timely notice of objection by any Involved Agency to WJWW's service as lead agency for the Project, WJWW will now move forward with the SEQRA review of the Project as Lead Agency and complete all necessary assessments, undertake all processes, meet all deadlines and make determinations in accordance with mandates of SEQRA.

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the Westchester Joint Water Works hereby rescinds its resolution dated July 28, 2020 withdrawing the offer to serve as co-lead agency with the Town/Village of Harrison Planning Board and declares that WJWW shall act as Lead Agency for the SEQRA Review of the Rye Lake Filtration Plant; and

BE IT FURTHER RESOLVED that the Board of Trustees of the Westchester Joint Water Works hereby calls for the preparation of a draft scope for its review which will guide the preparation of an Environmental Impact Statement in compliance with SEQRA.

ROLL CALL AYES: _____

NAYS: _____

ABSENT: _____

DATE: _____ 2020"

Trustee Murphy made the following motion to approve the Resolution (Project A-1364), as stated: “ **NOW THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Westchester Joint Water Works hereby rescinds its resolution dated July 28, 2020 withdrawing the offer to serve as co-lead agency with the Town/Village of Harrison Planning Board and declares that WJWW shall act as Lead Agency for the SEQRA Review of the Rye Lake Filtration Plant; and **BE IT FURTHER RESOLVED** that the Board of Trustees of the Westchester Joint Water Works hereby calls for the preparation of a draft scope for its review which will guide the preparation of an Environmental Impact Statement in compliance with SEQRA.” Trustee Belmont seconded the motion, all in favor:

Trustee Seligson
Trustee Belmont
Trustee Murphy

“aye”
“abstain”
“aye”

Award of Professional Engineering Services Contract: WJWW conducted a full vetting of all proposals and qualifications submitted for the Engineering services related to the Rye Lake Filtration Facility. Two firms, Hazen and Sawyer and H2M responded to the request for proposals. Both firms are regarded as very high quality, experienced and have a long history working with WJWW. WJWW Operations, Engineering and Administrative staff performed a thorough evaluation of the proposals, independent of one another, using a 100-point scale rating system. Both firms scored well, but Hazen and Sawyer was selected based on its knowledge and experience with the development of similar sized DAFF filtration projects for surface water systems as well as its knowledge of this specific project. The Manager indicated that up to this point WJWW has been working very well with Eileen Feldman of Hazen and that she would serve in the capacity of project manager going forward. General Counsel explained that as a Type II Action, this does not commit anyone to anything, but allows for preliminary steps to be taken, as stated in SEQRA regulations:

“Section 617.5 (c) (24) information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action;

And Section 617.5 (c) (27) conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action;”

The contract, with a \$10,947,900 estimated value, if approved, designates Hazen and Sawyer as the firm to perform all duties related to the Engineering Services in connection with this project as designated by WJWW. The estimated cost of the contract is based on levels of past work done. Trustee Belmont made a motion to award the Professional Engineering Services contract to Hazen and Sawyer for the Engineering and related services for the Rye Lake Filtration Facility in the estimated amount of \$10,947,900. Trustee Murphy seconded the motion, all in favor:

Trustee Seligson
Trustee Belmont
Trustee Murphy

“aye”
“aye”
“aye”

Old Business

The Chief Water Treatment Plant Operator explained that WJWW staff has worked on 4 water main breaks in the last two weeks (including a sizable break on Flagler Drive/TOH), 4 fire hydrant replacements (including one that WJWW staff performed), as well as routine work. He shared that the Winged Foot tank is now back in service, following acceptable water sample results and subsequent WCDOH approval. The Chief Water Treatment Plant Operator also reported that 168 samples taken to test for various water parameters, including TTHM and HAA5, have all come back normal, including from areas that have previously been of concern.

The Junior Civil Engineer updated the Board on the following projects:

- Mamaroneck Ave Bridge (near I95 entrance): Temporary main pressure testing was successful and has been super chlorinated, as construction work continues on the existing bridge structure. Sample tests are expected tomorrow. WJWW will activate the temporary main in the coming weeks.
- Two water service interruptions are expected to occur due to scheduled water main connection projects. The first project, located at Halstead and Harrison Avenues, is part of ongoing construction at The Avalon apartments. The installation of a fire line for a property located across the street (307 Halstead Ave), will take place at the same time. This work is scheduled for Tuesday, November 17th at 2:00 a.m.. The second project, located at 615 Fifth Avenue/TOM, will involve the installation of two Tees for domestic and fire lines on the 16” main at this location. Work to repair a leaking valve further down on Harrison Avenue will also occur at this time. The project is scheduled for Friday, November 20th at 2:00 a.m. The emergency interconnection with SUEZ at Boston Post Road has been arranged to be opened during the shut down. All pre-excavation work will be done during the daylight hours, but noise associated with the operation of a backhoe and the cutting of the pipe, is anticipated.

Manager’s Report

No Manager’s Report needed at this time.

Executive Session

At 4:02 p.m., Trustee Murphy made a motion to go into Executive Session for advice of counsel and to discuss personnel issues regarding a certain individual. Trustee Belmont seconded the motion, all in favor:

Trustee Seligson	“aye”
Trustee Belmont	“aye”
Trustee Murphy	“aye”

At 4:27 p.m., Trustee Belmont made a motion to leave Executive Session and return to the regular Board meeting. Trustee Murphy seconded the motion, all in favor:

Trustee Seligson	“aye”
Trustee Belmont	“aye”
Trustee Murphy	“aye”

New Business

The Trustees thanked WJWW Manager Paul Kutzy for the great work that he’s been doing since joining WJWW and recommended a salary adjustment reflective of that performance. Trustee Murphy made a motion to approve the salary adjustment for WJWW Manager Paul Kutzy. Trustee Belmont seconded the motion, all in favor:

Trustee Seligson	“aye”
Trustee Belmont	“aye”
Trustee Murphy	“aye”

Date of Next Meeting

The next Board of Trustees meeting is scheduled for November 24, 2020 at 3:30 p.m.

With no further business to discuss, Trustee Belmont made a motion to adjourn the meeting. Trustee Murphy seconded the motion:

Trustee Seligson	“aye”
Trustee Belmont	“aye”
Trustee Murphy	“aye”

The meeting adjourned at 4:30 p.m.