

**WESTCHESTER JOINT WATER WORKS**  
**Board of Trustees Meeting**  
**Tuesday, March 9, 2021 at 3:30 p.m.**

The meeting was called to order at 3:35 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 February 23, 2021 Board meeting, with the following correction: Paul Kutzy, Manager, reported on the Claims and not David Birdsall, Business Director, who was not in attendance. Trustee Belmont seconded the motion, all in favor:

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

**Financial Reports and Approvals**

David Birdsall, Business Director, reviewed bank balances and presented claims to the Board highlighting significant items, among them: NYC Water Purchases, Filtration Plant Engineering Services, Payroll Related Items, Partial Release of Project A-1310 Retainage and Annual Maintenance Agreement for Plant Analyzers.

Approval of Claims: Trustee Belmont made a motion to approve 150 claims totaling \$1,202,300.00. Trustee Murphy seconded the motion, all in favor:

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

**General Administration:**

- UV Facility: David Birdsall, Business Director, reported that there were three bidders for the electrical component of this project, with bids ranging from approximately \$1,050,000 to \$1,549,243. Filingeri Electric came in as the low bidder, with an estimated total base bid amount of \$1,050,000. An independent evaluation of the Filingeri Electric proposal by H2M Architects and Engineers, found them to be qualified, experienced and successful with projects similar in size and complexities to WJWW’s project. Trustee Belmont made a motion to award the electrical construction bid to Filingeri Electric in the estimated total base bid amount of \$1,050,000. Trustee Murphy seconded the motion, all in favor:

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

- Resolution to Appoint a Hearing Officer: Approval of a Resolution to appoint a Hearing Officer to conduct a Section 75 Hearing for a WJWW disciplinary matter, related to Employee Number 0126, was requested. Lori Lee Dickson, General Counsel, explained that a qualified Hearing Officer, with experience in cases similar to the WJWW matter, has been appointed, pending the Board’s approval. The Hearing Officer will conduct the hearing, provide a report and recommendation for the Board, who will then take appropriate action. It was explained that this process is mandated by law. Trustee Belmont made a motion to approve the Resolution to Appoint a Hearing Officer to Conduct a Section 75 Hearing for a WJWW Disciplinary Matter, related to Employee Number 0126. Trustee Murphy seconded the motion, all in favor:

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

- Resolution to Revoke an Interim Conflict of Interest Policy Pertaining to Backflow Prevention Device Testing within District by WJWW Employees: On January 3, 1994, WJWW adopted an Interim Conflicts of Interest Policy pertaining to backflow prevention device testing, which conditionally permitted WJWW employees (independently certified by NYS) to conduct testing of backflow prevention devices within the WJWW system, including cross connection control devices of its customers. Lori Lee Dickson, General Counsel, explained that a review of this Interim Policy no longer aligns with modern public policy, creates a potential appearance of impropriety and does not meet with current ethical standards. A Resolution, to become effective October 1, 2021, was presented to the Board for consideration which would revoke this Interim Policy and prohibit WJWW employees from testing backflow prevention devices within the WJWW system, including cross connection control devices of its customers. Trustee Belmont made a motion to approve the Resolution as presented. Trustee Murphy seconded the motion, all in favor:

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

The Trustees requested that the description of this resolution on the BOT meeting agenda be clarified. To be clear, the current Resolution is revoking a January 3, 1994 Interim Conflicts of Interest Policy related to backflow prevention device testing by WJWW employees within WJWW’s service area. The requirement that WJWW customers have their backflow devices tested annually is still in effect and only modified to the extent that the certified backflow tester performing the test cannot be an employee of WJWW.

- Audit, Budget and Multi-Year Plan: David Birdsall, Business Director, reported that the audit, which is being conducted remotely, is nearing its end. The finalized audited statements will be completed in the next couple of weeks. Preliminarily, the numbers are as expected. Lower spending was offset by lower revenues. A draft revised budget with reflecting proposed rate increases and adjustments, will be circulated within the next week or so. Last year WJWW received funding from NYCDEP, in the amount of \$250,000, to cover residual costs that were not going to be covered by the budget. WJWW recently learned that this funding will not be available this year. It was explained that deferring the AMI any longer will not be in WJWW best interest. A plan to upgrade transmitters will be possible if the funding becomes available in the future. The Multi-Year Plan will be updated to reflect new timing on various capital projects and will address proposed rate increases. The increases will encompass SCADA, as the base line budget did account for some SCADA upgrades. Woodard & Curran are still working on a three-year, phase-in plan for SCADA security upgrades and will present at the next BOT meeting, if the proposal is

submitted. David Birdsall, Business Director, encouraged the Board to submit questions or comments related to the budget to him, via email.

- Rye Lake Filtration Plant: Paul Kutzy, Manager, explained to the Board that because a Nexus Creative proposal related to architectural design services was left off the last Board packet, it was circulated ahead of this meeting, in order to give the Trustees time to review. In the early planning stages of the Filtration Plant project, it was decided to not have one consulting firm perform all tasks, but to hire those who are specialized in their fields. WJWW hired, for example, Hazen and Sawyer, engineering consultants that specialize in the SEQRA process, to perform the required SEQRA environmental reviews. In the same way, WJWW hired Nexus, a specialized architectural design firm, with experience in the region and who understand the importance of this project blending in with the local neighborhood.

A Nexus proposal in the amount of \$25,000, already approved by the Board, carried the project through the early design stage. Now deep into project design, a second, Phase 2 Architectural Design, Planning and Supporting Consultant Services Proposal has been submitted, in the amount of \$143,500, which will enable Nexus to continue their work on this important project. The consideration of this proposal is time sensitive, because at any moment a decision by the NYSDEC Commissioner regarding lead agency status is expected, and WJWW wants be prepared to “jump out of the gate” when the decision comes. Lori Lee Dickson, General Counsel, reminded the Board that Nexus, along with other consultants, offered a comprehensive presentation to the Trustees at the January 12<sup>th</sup> BOT meeting, that outlined proposed architectural design elements, landscaping and buffering options. Trustee Belmont made a motion to approve the Nexus Creative Phase 2 Architectural Design, Planning and Supporting Consultant Services Proposal, in the amount of \$143,500. Trustee Murphy seconded the motion, all in favor:

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

Lori Lee Dickson, General Counsel, reminded the Board that WJWW has been working with Co-Communications to develop a microsite dedicated to the Filtration Plant, which will be an educational tool for the public. The microsite will also function as a repository for all necessary notices and documentation related to the ongoing environmental review, which will lead toward the preparation of an Environmental Impact Statement. A link to the draft microsite was circulated to the Trustees prior to the BOT meeting and some of the comments included that the microsite was “effective, well presented, and read well” and that it “answered questions as to what happened in the past”. It was decided that Co-Communications should be invited to the next BOT meeting to present the microsite and provide a walkthrough of the site, including how to navigate.

## **Old Business**

Frank Arcara, Chief Water Treatment Plant Operator 1-B, updated the Board on the following:

- WCDOH Sanitary Survey: WCDOH staff performed a routine Sanitary Survey of WJWW system and it went well. TTHM and HAA5 results have come back within normal ranges.
- Howard Avenue/VOM: A shut down to cut in Tee’s will be performed Thursday night into Friday morning. Work is expected to be completed in one week from that time. Residents will receive notification and Trustee Murphy would like to be notified when this work begins, as well.
- WJWW Distribution staff were involved with 9 service line renewals, 7 water main repairs, responded to 140 service calls and backflow inspections, did mark-outs as needed, continued to

read District 3 meters and performed weekly/monthly flushing. Operations staff were busy, taking 100 samples, including 21 other special samples. All results have come back within normal ranges.

- Rye Lake Pump Station: Electricians are working with General Electric to obtain a Buss bar, a specialty item that must be custom built and custom drilled. WJWW expects that the Buss bar will be on-site in the next couple of weeks. The Board will be notified when the repair will be made. An emergency generator that was being rented, at a cost of \$36,000 a month, was no longer needed at this time and was returned early, resulting in a reduction of expected total cost by more than half. The emergency generator will be needed at the site again when the Buss bar is delivered, so that the station can be safely operated during the installation of the equipment.

### **Manager's Report**

No Manager's Report needed at this time.

### **New Business**

No New Business to discuss at this time.

### **Executive Session**

At 4:18 p.m., Trustee Belmont made a motion to go into Executive Session to discuss personnel matters concerning qualifications of a particular individual. Trustee Murphy seconded the motion, all in favor:

Trustee Seligson	"aye"
Trustee Belmont	"aye"
Trustee Murphy	"aye"

At 4:30 p.m., Trustee Murphy made a motion to leave Executive Session and return to the regular Board meeting. 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 March 23, 2021 at 3:30 p.m.

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

Trustee Seligson	"aye"
Trustee Belmont	"aye"
Trustee Murphy	"aye"

The meeting adjourned at 4:34 p.m.