**JOHNSTOWN WATER BOARD**

**MEETING MINUTES**

**FEBRUARY 21, 2019**

**MEETING CALLED TO ORDER AT 3:30 p.m.**

**CALL MEETING TO ORDER / PLEDGE OF ALLEGIANCE**

Board President Jeffers called the meeting to order, followed by the Pledge of Allegiance.

**ROLL CALL OF BOARD MEMBERS**

Board President Jeffers

**ATTENDEES**

Scott Jeffers, President

Jason Hammer, Vice President

George DiMarco, Board Member

John Swierzowski, Board Member

Thomas Simek, Board Member

Michael Poulin, City of Johnstown Attorney

John Denmark, Water Plant Operator

Barbara Koehler, Clerk of the Board

**ABSENT**

Brad Hayner, City Council Liaison

**PUBLIC SESSION** - No discussions.

**SPEAKERS**

• **Sand Filter Media Replacement at Cork Center Water Treatment Plant**

Chad Kortz, PE & Jake Gordon, PE of CT Male discussed Sand Filter Media Replacement at Cork Center.

The Cork Center Water Treatment Plant has been operating since 1992. There are four filters (1, 2, 3, & 4). Filters must periodically be raked and cleaned. In 2014, the sand filter media was replace for filters 1 and 2 at which time the Water Board elected not to replace sand media in filters 3 and 4. Filters 3 and 4 have been periodically cleaned and raked but their production has diminished. Jake Gordon stated dirty filters put more stress on the better filters.

John Denmark stated filters 3 and 4 have the original sand from 1992 and are reaching maximum use. If the sand filters are replaced on filters 3 and 4 they will be good for another 10 years. Meters 1 and 2 were replaced 5 years ago.

CT Male recommended going out to bid for the service. CT Male will draw up a proposal for Board review.

The timeframe once bids were accepted included a notice to proceed within 6 weeks. The estimated start

date of the project would be May 2019. CT Male will have to coordinate with the Department of Health

(DOH) for the purchase of the Sand Filter Media.

John Denmark noted the Walmart overflow issue earlier this year created additional stress on filters 3& 4.

**MOTION** for CT Male to set up bid process for Sand Filter Media Replacement at Cork Center, made by Board President Jeffers and seconded by Board Vice President Hammer.

 **5 ayes 0 nays 0 absent**

**PERSONNEL**

• **Hiring a Superintendent for the Johnstown Water Department**

J. Christopher Foss, of Ferguson & Foss, P.C. remitted to the Water Board a proposal for a Water Department Superintendent.

Board President Jeffers stated there was an issue with the proposal, but gave Mr. Foss time to speak regarding his proposal.

Mr. Foss addressed the Water Board and asked if there were any questions regarding his proposal. Mr. Foss stated while the proposal did not say “draft”, it should have.

Attorney Poulin stated under General Municipal Law, we must go out to bid for purchases over $25,000 and for services over $35,000. Mr. Foss’s Contract was for a proposed $98,800.

Attorney Poulin advised we go out to bid for Professional Services. Mr. Foss said this is a professional service. Attorney Poulin stated that professional services are usually with an individual, not a firm. Attorney Poulin stated a proposed Contract for $98,800 should go out to bid to alleviate a Board image of favoritism.

 Board Member Simek stated he did research and found the average salary for a Superintendent to be about

 $60.000. He also stated we have to approach this topic legally.

Board Vice President Hammer stated the City Charter authorizes the Water Board to have a Superintendent and we have a need for one.

Board Member DiMarco wanted to go into Executive Session to further discuss the matter.

Attorney Poulin stated this is spending public money and had to be held in open session.

**MOTION** to proceed with a Request for Proposal (RFP) for a Superintendent made by Board Vice President

Hammer and seconded by Board Member Simek.

 **3 ayes** (Jeffers, Hammer & Simek)

 **2 nays** (DiMarco & Swierzowski)

 **0 absent**

Attorney Poulin advised he would assist in drawing up a RFP, as long as a member of the Water Board advises him of the wording needed, along with the job description.

Attorney Poulin clarified an issue Board Member Swierzowski was confused about. Board Member Swierzowski thought Attorney Poulin was saying the Water Board could not hire a Superintendent as long as the current CSEA Agreement was in effect. Attorney Poulin advised Board Member Swierzowski the Water Board can hire a Superintendent; however, could not take away contractual rights that are granted under the CSEA Agreement and said Superintendent is going to take over powers or duties that are granted to another individual under the CSEA Agreement.

Board Vice President Hammer noted he wants a Superintendent as much as anyone else, but wanted to proceed legally. Attorney Poulin recommends the Water Board contact Elaine Gold (Labor Attorney), Bill Vaughn (City Insurance Agent), and Mike Gifford (City Treasurer) to offer advice on any financial issues.

**OLD BUSINESS**

• **Review of NYS DEC letter regarding Cold Brook Reservoir Inspection**

CT Male composed a letter for the Water Board to send to NYS DEC in response to their letter of January 30, 2019 regarding the Cold Brook Reservoir Dam inspection.

The Water Board unanimously agreed the response letter looks fine. Board President Jeffers will sign the response letter and send to the NYS DEC.

Board President Jeffers asked the Water Board if there were any questions regarding the letter. Board Member DiMarco asked if the Water Board was hiring CT Male for 2019 general services. Board President Jeffers stated we will have a Resolution for CT Male General Services at the next regular meeting.

Board Member Simek, asked John Denmark for a Source “wish list”, noting what he feels needs to be done.

**NEW BUSINESS**

• **Linden Avenue**

City of Johnstown sold vacant lots on Linden Avenue at public auction in an area that has no water lines.

Water Plant Operator John Denmark stated he could compile a material price list for what would be needed. He advised that the NYS Department of Health would want engineering plans before they would proceed. He noted that the project could take 6 months or longer as all new lines have to be approved by both NYS DOH and NYS DEC.

Board Member DiMarco noted he spoke with Mayor Jackson last year and made him aware of the issue of no water lines in that area. Board Member DiMarco suggested we do not have to address the issue further until we hear something from representatives at City Hall.

According to Board President Jeffers, two (2) parcels were purchased on Linden Avenue.

Mr. Foss stated the Linden Avenue land has sat there for years and added that a sewer line exists but no water line. The Linden Avenue land was subdivided. Mr. Foss believes it is up to the land owner to extend the line, and either the city or the land owner would have to incur all expenses.

Board Member DiMarco noted at a Common Council meeting last year, Code Enforcement Officer Bruce Heberer stated all lots were a substandard size and needed to be to be redrawn

Board President Jeffers noted the Water Board, as of now, is under no obligation to provide water in this area.

**FINANCIAL** - No discussion.

**MOTIONS & RESOLUTIONS**

• RESOLUTION \_\_\_ - To Hire a Water Department Superintendent

**MOTION** to *withdraw* Resolution to hire Water Superintendent made by Board President Jeffers and seconded by Board Member Simek

 **3 ayes** (Jeffers, Hammer & Simek)

  **2 nays** (DiMarco & Swierzowski)

 **0** absent

**ADJOURNMENT**

**MOTION** to adjourn the meeting was made by Board President Jeffers and seconded by Board Member Simek at 4:26 p.m.

 **5 ayes 0 nays 0 absent**

Submitted by

Barbara Koehler

Clerk of the Water Board