

**Minutes**

**NORTH CHAUTAUQUA COUNTY WATER DISTRICT BOARD**

Thursday, October 24, 2024, 4:00 p.m.

Dunkirk Town Hall, 4737 Willow Road, Dunkirk, NY 14048

---

Chairman Pacos called the meeting to order at 4:00 p.m.

Pledge of Allegiance

The roll was called and a quorum was present.

**Members Present:** Rich Lewis, Brian Purol, Craig Miller, Priscilla Penfold, Dan Pacos, Bob Bankoski, Tom Wik, Dave Hazelton, John Penhollow, Richard Lascola, Terry Niebel

**Members Absent:**None

**Others:** Kathy Tampio, Jean Crane, Randy Woodbury, John Esperson, Eric Wies, Juan Pagan, Natalie Whiteman, Michelle Twitchell, Mr. Twitchell, Pierre Chagnon, Jay Warren, Jim Crowell

MOVED by Bankoski, SECONDED by Miller, the minutes of 9-12-2024 were approved as amended by unanimous vote.

**Privilege of the Floor**

- Randy Woodbury – Related process of establishment of NCCWD as a regional water system which started in 1968 and through the later efforts of former Chautauqua County Executive Vince Horrigan and attorney Greg Yaw, came to fruition in 2015 with a 40 year contract with the City of Dunkirk as the sole water supplier of the District. He stated that current discussions of the possibility of the City of Dunkirk to sell their water treatment plant is not supported by the City Mayor or City Council.
- John Esperson – Discussed recent conversations with Eric Wies regarding the proposed new water tank project for Town of Pomfret capital project. Asked how large the tank as proposed and whether the new Labella study of hydraulic modelling would determine how large the tank should be. Since Chautauqua County authorized the use of \$20,000 ARPA funds toward the Labella study but the additional \$50,000 from New York State has not been authorized yet, can NCCWD begin the Labella study by utilizing the initial \$20,000?
- Terry Niebel – Response to Woodbury re: his comments regarding the District could buy the City of Dunkirk water plant – he was just expressing an option.
- Jay Warren – re: asked status of repayment of debt the District owes to the County? Asked when last audit was done of CBI WW?
- Juan Pagan – Asked if the repayment of arrears amount owed the County from CBI WW could be gradual over time. Is there leeway on how the municipalities of CBI WW pay back? Response Pacos – The Corrective Action Plan (CAP) from the County in

response to the NYS OCS audit stated the payment of water billings in arrears agreement will be paid back by the end of 2025. CBI WW municipalities wish to complete the payback agreement by the end of 2024 in order to facilitate the separation of Town of Portland/Village of Brocton from CBI WW by the end of 2024.

- Dave Hazelton – Asked if the City of Dunkirk contract for water supply would still be legal if the City sells their water plant?

**Communications** None

**Unfinished Business**

- DOCCS funds – Village of Brocton attorney Peter Clark contacted Kathy Tampio who forwarded supporting documents in regard to previous correspondence with DOCCS.
- CBI WW Payment Agreement – Municipal Attorney Jeff Passafaro continues to be in contact with Mayors and Town Supervisors and with the County Attorney Wright to discuss details of the agreement.
- Leak Detection – Rural Water conducted survey of water system. CBI WW waiting for another flash drive to review results of survey. Pacos will follow-up with CBI WW staff.

**New Business**

1. MOVED by Miller, SECONDED by Bankoski, to approve payment of City of Dunkirk Water Bills listed pursuant to Contract #18-39-04;
  - a. Invoice #0006423-2024- 9 Arrowhead Drive Master Meter in the amount of \$10,433.52

***Unanimously Adopted***

2. MOVED by Hazelton, SECONDED by Lewis, to approve payment of CBI Water Works Invoices for Operation and Maintenance costs pursuant to contract #19-39-02 as listed:
  - a. Invoice 24-11 – National Grid July-Sept - electric service in the amount of \$8,650.16
  - b. Invoice 24-12 – USA Bluebook – supplies August in the amount of \$170.69
  - c. Invoice 24-13 – Village of Brocton Electric July-Sept. in the amount of \$25.49
  - d. Invoice 24-14 – Lakeside Lawn mowing – July-Sept in the amount of \$780.00
  - e. Invoice 24-15 - Enviroteknix for water testing July-Sept in the amount of \$2,015.00
  - f. Invoice 24-16 - Town of Portland – Pump Station Insurance in the amount of \$733.00

***Unanimously Adopted***

3. MOVED by Penfold, SECONDED by Niebel, to approve payment of CPL Invoice #103028 for Professional Services for Phase 2 construction observation pursuant to contract #16-01-01 in the amount of \$1,760.00

***Unanimously Adopted***

4. MOVED by Lewis, SECONDED by Miller to approve payment of Municipal Solutions, Inc. Invoice #21674 in the amount of \$1,287.60 for ESD Grant fiscal administration pursuant to contract #21-39-02.

***Unanimously Adopted***

5. MOVED by Penfold SECONDED by Miller, to approve payment of Municipal Solutions, Inc. Invoice #21675 in the amount of \$680.80 for EFC Grant fiscal administration pursuant to contract #20-39-01.  
*Unanimously Adopted*
6. MOVED by Miller, SECONDED by Bankoski, to approve payment of H&K Services, Inc. final pay app #9 for Sheridan Water Tank construction project, contract #21-39-04 in the amount of \$10,721.52 less 5% retainage. (Retainage to be released pending CPL Certificate of Completion.)  
*Unanimously Adopted*

### Reports

- **Chairman's Report** – The study to be conducted by Labella regarding NCCWD connection with Village of Fredonia water system won't commence until all funding in place.

CBI Water Works Update – Financial reports continue to be provided to each municipal member. Discussion ongoing regarding payment agreement with County to pay water invoices in arrears.

- **Financial Report and Administrative Update** –Financial Reports prepared by by Kathy Tampio (Hard copy Capital Report and 2024 Budget to date provided to Board members and placed on file) Current Balance due from CBI WW = \$1,544,405.02. A Resolution was passed at the September 25, 2024 County Legislature meeting to authorize use of \$20,000 ARPA funds for the Labella Study. A Resolution passed at the October 23, 2024 Legislature meeting authorizes an IMA with Town of Portland/Village of Brocton for direct billing of water usage recorded at the Portland Town line Master Meter. The Legislature also passed the 2025 Budget on October 23, 2024 which includes the NCCWD budget and Capital budgets.
- **Grants Update** –
  - DOCCS –letter and documentation sent from Village of Brocton to amend contract with DOCCS. Awaiting DOCCS approval.
  - ESD – 1<sup>st</sup> grant disbursement still in process
  - EFC – draw #20 received from EFC in the amount of \$8,114.48

### **Capital Projects Update** – Eric Wies, CPL

- NCCWD Phase II Capital Project – Sheridan Water Tank is now in service and contract with H&K can now be closed out.
- Emergency interconnects with the Village of Fredonia system via Town of Pomfret distribution lines on the west and east ends are fully operational. East end operational but west end pipe size and pressure issues pending resolution by Village of Fredonia personnel.
- Remaining projects – chlorination stations set up. SCADA billing link with City of Dunkirk to be resolved
- Expect WIIA grant funding award announcements in Nov/Dec – hope to receive an award to fund the Phase III Capital Project for water main replacements and Master Meters.

- NCCWD to fund Village of Fredonia hydraulic modeling by Labella for potential connection with NCCWD pending commitment of State funding.
- Portland projects in restoration phase.
- Pomfret Van Buren project easements completed and bid date has been set.
- Dunkirk Shorewood project – easements yet to complete.
- Sheridan – Town board approved the new water district to connect customers to the NCCWD water main to the new water tank.

**Discussion/Other**

MOVED to Adjourn by Lewis, SECONDED by Niebel and Unanimously Carried, the meeting ended at 4:57 p.m.

Respectfully Submitted,  
Kathy Tampio, Financial Analyst - Chautauqua County Legislature/NCCWD Administrative Coordinator

- Next Board meeting – November 14, 2024, 4:00 pm, Dunkirk Town Hall

*Approved 11/14/2024*