

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 21st day of February 2019.

PRESENT: Jerome D. Schad, Chairman
Mark S. Carney, Vice Chairman
E. Thomas Jones, Treasurer
Terrence D. McCracken, Secretary to the Authority
Margaret A. Murphy, Attorney
Robert J. Lichtenthal, Jr. Deputy Director
Karen A. Prendergast, Comptroller
Steven V. D'Amico, Business Office Manager
Anthony Alessi, Claim Representative/Risk Manager
Leonard F. Kowalski, Sr. Distribution Engineer
Matthew Barrett, Security Officer
Joseph T. Burns, Deputy Administrative Director

ATTENDEES: Thuy Lan Nguyen, Channel 7

CALL TO ORDER AT 10:23 a.m.

PLEDGE TO THE FLAG

I. ROLL CALL

II. READING OF MINUTES

Motion by Mr. Carney seconded by Mr. Jones and carried to read the Minutes of the Meeting held on Thursday, February 7, 2019.

III. APPROVAL OF MINUTES

Motion by Mr. Carney seconded by Mr. Jones and carried to approve the Minutes of the Meeting held on Thursday, February 7, 2019.

IV. REPORTS

A. SECRETARY

Board Meeting Schedule change

McCracken

Mr. McCracken distributed a memo regarding revising the Board Meetings from March 21, 2018 to March 26, 2018 and thereafter cancelling the April 4, 2019 meeting. The Board approved the changes.

Open Government Best Practices

McCracken

Mr. McCracken distributed an “Open Government Best Practices” that was received by the Buffalo Niagara Coalition of Open Government. He advised that the Authority is in compliance with items 1-5. Mr. Carney added that these are suggestions as to how to comply with the definition of open meetings. He also advised that the Authority complies with 5.5 of the 6 items. He noted that the financial disclosures are not posted. There was discussion regarding the posting of financial disclosure, Mr. Carney preferring not to put that information on the website, Mr. Schad suggested that this should be posted and there should be further discussions on item 6.

Executive Session

McCracken

Discussion relating to the appointment of a person to the position of executive director pursuant to Public Officers Law § 105(1)(f) (matters relating to the appointment, employment or promotion of a particular person) and to discuss with its Attorney the legal obligation of the Authority due to the resignation of John Mye, exempt under the Open Meetings Law, pursuant to Public Officers Law § 108(3).

Mr. Schad requested that the Executive Session be postponed until after Item 17 of today’s meeting.

B. LEGAL

Service Connection Work Orders

Murphy/
Prendergast

Ms. Murphy distributed a memo relating to the service connection work orders that have been on the board meetings in the past. Ms. Prendergast advised that this item is merely an administrative task and that the underlying work performed is pursuant to contracts that the Board has already approved. The Board agreed this item need not appear on future board meetings.

C. FISCAL

January Investment Report

Lichtenthal

Mr. Lichtenthal distributed and reviewed the January 2019 Investment Report. He advised that he continues to monitor the market and performance exceeded the budget by a small amount.

Monthly Financial – January

D’Amico

Steven D’Amico distributed the January 2019 Monthly Financial report. This report includes operating revenue, investment income, operating expense and net income.

OPEB Valuation

Prendergast

Ms. Prendergast distributed a package relating to the OPEB evaluation performed by a consultant for Labor Management Health Care Fund. She advised that in 2007 Government Accounting Standards Board (“GASB”) passed a resolution that any benefits that the employer will be paying their employees in retirement, they are actually earning those benefits in their current years of employment. She further advised that in 2018 a new GASB 75 was adopted which requires greater reporting of this benefit liability and that the new reporting has a significant impact on the Authority’s financial statements. She reviewed this with the Commissioners. She added that this is not specific to the Authority, but every government agency is subject to GASB 75.

D. OPERATIONS

Declaration of Emergency

Lichtenthal

Mr. Lichtenthal distributed three declaration of emergencies for the Board’s review.

RFP – Storage Tank Inspections

Lichtenthal

Mr. Lichtenthal deferred the next two matters to Mr. Kowalski. Mr. Kowalski distributed the proposed RFP for Consulting Engineering Service for Storage Tank Inspections, which is required by the health department every five years. He gave a summary of the project details. He requested this to be on for resolution at the next Board meeting.

Professional Engineering Services Waterline
Replacement Project Lake Shore Road

Lichtenthal

Mr. Kowalski distributed a memo regarding a DOT betterment project on Route 5. He advised that the Authority sent out an RFP to eight firms, six of which responded. Engineering Department reviewed the proposals and are recommending the Authority move forward to negotiate a contract with Clough Harbor. The Board agreed to move forward with this.

- E. FISCAL**
- F. HUMAN RESOURCES**
- G. AUDIT COMMITTEE**
- H. GOVERNANCE COMMITTEE**
- I. FINANCE COMMITTEE**
- J. ETHICS BOARD**

V. COMMUNICATIONS AND BILLS

ITEM 1 - Creation and/or Amendment of Master Purchase Orders:

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 2 - Master Purchase Order Releases, Purchase Orders and Purchase Order Amendments:

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 3 - Resignation of J. Mye – RECEIVED AND FILED

ITEM 4 - FOIL – L. Vito - RECEIVED AND FILED

ITEM 5 - FOIL – J. Dougherty - RECEIVED AND FILED

ITEM 6 - FOIL – Bartz - RECEIVED AND FILED

ITEM 7 - FOIL - E. Chung - RECEIVED AND FILED

ITEM 8 - FOIL – J. Hall - RECEIVED AND FILED

ITEM 9 - Retirement Letter J. Makelke - RECEIVED AND FILED. Mr. Schad extended a “thank you” for Mr. Makelke’s service to the Authority.

VI. PERSONS ADDRESSING THE AUTHORITY

The Commissioners will hear the concerns of persons desiring to address the Commissioners on any Water Authority subject

No member of the public requested the opportunity to speak

VII. UNFINISHED BUSINESS

VIII. NEW BUSINESS

ITEM 10 RESOLUTION GRANTING THE STATE OF NEW YORK AUTHORITY TO PERFORM THE ADJUSTMENT FOR THE OWNER AND AGREEING TO MAINTAIN FACILITIES ADJUSTED VIA STATE-LET CONTRACT

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 11 AUTHORIZATION TO ACCEPT PROPOSAL OF WATERFORD PINES COMMUNITY, LLC FOR THE CONSTRUCTION AND INSTALLATION OF APPROXIMATELY 100+ LINEAR FEET OF 8-INCH DIP AND 1,992+ LINEAR FEET OF 8-INCH PVC WATERMAIN IN WATERFORD PINES PHASE 2, TOWN OF HAMBURG, NEW YORK, PROJECT NO: 200400497

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 12 AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL O & M AND CAPITAL BUDGETS FOR FISCAL YEAR 2018

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

Mr. Lichtenthal advised that this is a ratification and is for informational purposes and for the auditors.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 13 AUTHORIZATION TO ADOPT AMENDED ERIE COUNTY WATER AUTHORITY BY-LAWS

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 14 AUTHORIZATION TO SOLICIT REQUEST FOR PROPOSALS FOR INSURANCE BROKERAGE SERVICES, PROJECT NO. 201900047

Motion by Mr. Carney and there being no seconds, the motion fails.

DISCUSSION

Ms. Murphy advised this was brought up at a previous meeting requesting to extend the Broker of Record letter. She thereafter sent a memo to the Board with options to extend the Broker of Record for one year or send out a new request for proposal. Mr. Jones inquired about the time frame and if this would be adding more work. Mr. Alessi responded that either way the Board chooses to move forward, it will be busy process. Mr. Carney noted that there was a reduction in costs from Lawley currently. The Board agreed to proceed to extend the current Broker of Record for one year. Ms. Murphy will prepare a Professional Service Agreement.

VOTE

Ayes: None:

Noes: Three; Commrs. Schad, Carney and Jones

ITEM 15 ADOPTION OF POLICY NO. 92 RELATING TO EMPLOYMENT OPPORTUNITY, POSTING AND HIRING

Motion by Mr. Carney to adopt Policy No. 92, as amended in the Governance Meeting earlier, to change “units” to “divisions” and rescinding all prior policies relating to this and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 16 AUTHORIZATION FOR STEVEN DENZLER, DISTRIBUTION ENGINEER, TO ATTEND THE AMERICAN WATER WORKS ASSOCIATION NEW YORK SECTION 2019 NEW YORK WATER EVENT CONFERENCE IN SARATOGA SPRINGS, NEW YORK

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 17 - Service Connection Work Order List

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

Mr. Schad made a motion at 11:07 a.m. seconded by Mr. Carney to go into Executive Session to discuss the appointment of a person to the position of executive director pursuant to Public Officers Law § 105(1)(f) (matters relating to the appointment, employment or promotion of a particular person) and to discuss with its Attorney the legal obligation of the Authority due to the resignation of John Mye, exempt under the Open Meetings Law, pursuant to Public Officers Law § 108(3), and requested Terrence D. McCracken, Karen A. Prendergast, Margaret A. Murphy, Robert J. Lichtenthal, to remain.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

Mr. Schad made a motion and seconded by Mr. Carney to leave Executive Session at 11:35 a.m.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

IX. ADJOURNMENT

Motion by Mr. Schad and seconded by Mr. Carney and carried that the meeting adjourn at 11:37 a.m.

DISCUSSION

After Executive Session it was determined no further action required by the Authority.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

Terrence D. McCracken
Secretary to the Authority

SLZ