

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 3rd day of October 2019.

PRESENT: **Jerome D. Schad, Chairman**
E. Thomas J. Jones, Jr., Treasurer
Terrence D. McCracken, Secretary to the Authority
Karen A. Prendergast, Chief Financial Officer
Margaret Murphy, Attorney
Russell J. Stoll, Executive Director (Chief Operating Officer)
Leonard F. Kowalski, Executive Engineer
Daniel J. NeMoyer, Director of Human Resources
Joyce A. Tomaka, Comptroller
Lavonya C. Lester, Director of Administration
Sabrina A. Figler, Director of Water Quality
Matthew Barrett, Security Officer
Jeffrey Schlierf, Acting Manager of Information Technology
Richard Deren, Network Specialist
Steven V. D'Amico, Business Office Manager

ATTENDEES: **Brian Gould**
Julia Helen Purdy

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 9:53 a.m. A quorum was present with two Commissioners. Commissioner Mark Carney was excused for the meeting.

II. READING OF MINUTES

Motion by Mr. Jones seconded by Mr. Schad and carried to waive the reading of the Minutes of the Meeting held on Thursday, September 19, 2019.

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Jones

Noes: None

III. APPROVAL OF MINUTES

Motion by Mr. Jones seconded by Mr. Schad and carried to approve the Minutes of the Meeting held on Thursday, September 19, 2019.

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Jones

Noes: None

IV. REPORTS**A) SECRETARY**

1. 2019 Legal Services RFI

Secretary McCracken noted that he recently sent the Commissioners a work sheet relative to RFIs that were received for legal counsel. Chairman Schad remarked that he believes three or four firms should be preapproved on a list for various areas so that if a legal issue comes up where counsel needs to reach out to outside counsel for assistance there is no delay, and it can be done properly. The proposals would be for a two-year pricing. He would like to have two primary firms for bond and labor work. It was agreed, due to the absence of Vice Chairman Carney, to discuss further at the next Board meeting.

It was decided to cancel the meetings on November 14, 2019 and November 27, 2019 and be replaced with November 21, 2019. A resolution will be presented at the next meeting to approve payment of master purchase orders and purchase orders for the month of November.

B) LEGAL

1. Executive Session

Discussion relating to security pursuant to Public Officers Law § 105(1)(a) (matters which imperil safety if disclosed)

Margaret Murphy noted that she is requesting an executive session to discuss cyber security which should not be publicly broadcast. She added that the Committee on Open Government concurred. The Chair requested that the executive session be deferred until the end of the meeting.

C) FISCAL

No Report

D) OPERATIONS

No Report

E) HUMAN RESOURCES

No Report

F) AUDIT COMMITTEE

No Report

G) GOVERNANCE COMMITTEE

No Report

H) FINANCE COMMITTEE

No Report

I) ETHICS COMMITTEE

No Report

V. COMMUNICATIONS AND BILLS

C-1 FOIL RE 32 DERBY ROAD, WILLIAMSVILLE, NY - RECEIVED AND FILED AND REFERRED TO LEGAL FOR FOLLOW UP

C-2 NOC WILLIAM AND NANCY OWCZARCZAK - RECEIVED AND FILED AND REFERRED TO LEGAL FOR FOLLOW UP

C-3 NOC ANDREA GREENWOOD - RECEIVED AND FILED AND REFERRED TO LEGAL FOR FOLLOW UP

C-4 NOC JOANNE RITZ - RECEIVED AND FILED AND REFERRED TO LEGAL FOR FOLLOW UP

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 1 - MASTER PURCHASE ORDERS, RELEASES FROM MASTER PURCHASE ORDERS, PURCHASE ORDERS, AND AMENDMENTS OF SAME

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Jones

Noes: None

ITEM 2 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH DRESCHER & MALECKI, LLP TO PROVIDE PROFESSIONAL AUDIT AND ACCOUNTING ADVISORY SERVICES FOR EACH OF ITS FISCAL YEARS ENDING DECEMBER 31, 2019, 2020 AND 2021

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Jones

Noes: None

ITEM 3 - AUTHORIZATION TO SOLICIT REQUEST FOR PROPOSALS FOR CONSULTING ENGINEERING SERVICES FOR THE COMPLETION OF A COMPREHENSIVE FACILITIES PLAN, PROJECT NO. 201900219

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Jones

Noes: None

ITEM 4 - AUTHORIZATION TO SOLICIT REQUEST FOR PROPOSALS FOR ADMINISTRATION OF EMPLOYEE ACCOUNTS UNDER INTERNAL REVENUE CODE SECTION 105 (H), SECTION 125 AND SECTION 132 (F), PROJECT NO. 201900229

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Jones

Noes: None

ITEM 5 - AUTHORIZATION TO REJECT BIDS AND READVERTISE FOR WATERMAIN MATERIALS PURCHASE CONTRACT, JANUARY 1, 2020 TO DECEMBER 31, 2021, PROJECT NO. 202000001

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

DISCUSSION

Commissioner Jones remarked that the supporting memorandum does not explain why it has been recommended to reject the bids and readvertise. Ms. Murphy replied that she can explain the reasons, but due to legal issues it must be discussed in executive session. Chairman Schad agreed to discuss this matter in executive session.

VOTE

Ayes: Two; Commrs. Schad and Jones

Noes: None

ITEM 6 - AWARD OF CONTRACT TO UNIVAR USA INC. FOR THE FURNISHING AND DELIVERING OF FLUOROSILICIC ACID TO THE ERIE COUNTY WATER AUTHORITY FOR USE IN THE TREATMENT OF WATER FOR TWO YEARS FROM NOVEMBER 1, 2019 THROUGH OCTOBER 31, 2021, PROJECT NO. 201900154 - \$388,000.00

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

DISCUSSION

Chairman Schad asked is this the chemical where there was an issue in the past. Staff confirmed it is.

VOTE

Ayes: Two; Commrs. Schad and Jones
Noes: None

ITEM 7 - AUTHORIZATION TO EXTEND THE CONTRACT WITH SOUTHTOWNS SUPPLY, INC. FOR THE FURNISHING AND DELIVERING OF VARIOUS WOOD PRODUCTS TO THE ERIE COUNTY WATER AUTHORITY FOR ONE YEAR FROM NOVEMBER 1, 2018 TO OCTOBER 31, 2019, PROJECT NO. 201800199, CONTRACT NO. 18-25-11

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Jones
Noes: None

ITEM 8 - RATIFICATION OF THE INSTALLATION OF HYDRANTS AND VALVES AND RETIREMENT OF EXISTING HYDRANTS AND VALVES – VARIOUS LOCATIONS

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Jones
Noes: None

ITEM 9 - AUTHORIZATION FOR SABRINA FIGLER, DIRECTOR OF WATER QUALITY TO ATTEND THE DRINKING WATER QUALITY COUNCIL MEETING IN ALBANY, NEW YORK

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

DISCUSSION

Chairman Schad inquired about the council. Ms. Figler informed him that they are associated with the State Health Department. It will be discussing possible future regulation on PFOS/PFOAS PFA for the state. Chairman Schad asked if the issue with the green algae, etc. will be discussed. Ms. Figler told him not at this meeting.

VOTE

Ayes: Two; Commrs. Schad and Jones
Noes: None

ITEM 10 – LEONARD KOWALSKI - APPOINTMENT AS EXECUTIVE ENGINEER

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

DISCUSSION

The Commissioners congratulated Mr. Kowalski on his appointment.

VOTE

Ayes: Two; Commrs. Schad and Jones

Noes: None

ITEM 11 – AUTHORIZATION TO RE-GRADE THE POSITION OF ADMINISTRATIVE AIDE (ECWA)

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Jones

Noes: None

ITEM 12 - AUTHORIZATION TO ENTER INTO MEMORANDUM OF UNDERSTANDING WITH THE TOWN OF EDEN, PROJECT NO. 201300196

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Jones

Noes: None

ITEM 13 - AMENDMENT OF POLICY NO. 61.0 RELATING TO LEAVES OF ABSENCES

Motion by Mr. Jones and seconded by Mr. Schad and carried to deny the approval of amending Policy No. 61.0 relating to Leaves of Absences

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Jones
 Noes: None

Motion made by Mr. Jones, seconded by Mr. Schad to go into Executive Session relating to Item 5 pursuant to Public Officers Law § 105(1)(f) (matters relating to the employment of a particular corporation) at 10:16 a.m. Mr. Schad invited Mr. McCracken, Mr. Kowalski, Ms. Murphy, Ms. Prendergast, Mr. Stoll and Ms. Lester.

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Jones
 Noes: None

Motion made by Mr. Jones, seconded by Mr. Schad to exit Executive Session at 10:25 a.m.

DISCUSSION

Commissioners Jones noted that after consultation with staff on the details of Item 5, he was satisfied that it is in the best interest of the Authority to reject all bids and readvertise for the watermain materials purchase contract. Chairman Schad concurred.

VOTE

Ayes: Two; Commrs. Schad and Jones
 Noes: None

Motion made by Mr. Jones, seconded by Mr. Schad to go into Executive Session for the discussion relating to security pursuant to Public Officers Law § 105(1)(a) (matters which imperil safety if disclosed) at 10:26 a.m. Mr. Schad invited Mr. McCracken, Mr. Kowalski, Ms. Murphy, Ms. Prendergast, Mr. Stoll, Mr. NeMoyer, Mr. Barrett and Ms. Lester.

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Jones
 Noes: None

Motion made by Mr. Jones, seconded by Mr. Schad to exit Executive Session at 11:37 a.m.

DISCUSSION

Chairman Schad thanked Mr. Barrett for a good presentation.

VOTE

Ayes: Two; Commrs. Schad and Jones

Noes: None

IX. ADJOURNMENT

Motion by Mr. Jones seconded by Mr. Schad carried that the meeting adjourn

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Jones

Noes: None

A handwritten signature in black ink, appearing to read "T. D. McCracken". The signature is fluid and cursive, with a long horizontal stroke at the end.

Terrence D. McCracken
Secretary to the Authority

PF