

**MINUTES** of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 31<sup>st</sup> day of October 2019.

**PRESENT:** **Jerome D. Schad, Chairman**  
**Mark S. Carney, Vice Chairman**  
**E. Thomas J. Jones, Jr., Treasurer**  
**Terrence D. McCracken, Secretary to the Authority**  
**Karen A. Prendergast, Chief Financial Officer**  
**Margaret A. Murphy, General Counsel**  
**Russell J. Stoll, 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**

## **I. CALL TO ORDER/ROLL CALL**

The meeting was called to order at 9:30 a.m. A quorum was present with three Commissioners.

## **II. READING OF MINUTES**

Motion by Mr. Carney seconded by Mr. Jones and carried to waive the reading of the Minutes of the Meeting held on Thursday, October 17, 2019.

### **DISCUSSION**

None

### **VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

## **III. APPROVAL OF MINUTES**

Motion by Mr. Carney seconded by Mr. Jones and carried to approve the Minutes of the Meeting held on Thursday, October 17, 2019.

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**IV. REPORTS****A) SECRETARY**

No Report

**B) LEGAL**

Margaret Murphy addressed the issue relative to Item 4 on the agenda. She reminded the Board that the agreement with Bench Strength Partners is a result of the RFI that was previously issued. Ms. Murphy noted that there have been further negotiations since the original agreement was posted on the website. Therefore, Ms. Murphy distributed a revised agreement highlighting the changes. She explained that the effect of the change is clarification as to what triggers their payment obligation. An insurance provision was also taken out, with Pat Quinn's (Lawley Insurance) approval. Margaret added this agreement includes a provision that in order for the vendor to gain access to the Authority's property, they must go through Matthew Barrett. This provision will be included in all agreements going forward. Chairman Schad questioned if there was a need for Bench Strength Partners to access our property. Ms. Murphy replied that for various reasons it is possible. She said that going forward the standard practice will be that when a cell lease agreement is recommended, the vendor's anticipated fees of what they will be paid will be included.

**C) FISCAL****1. September 2019 Investment Report**

Karen Prendergast distributed the September 2019 Investment Report along with a brief explanation of the report.

**2. Monthly Financial Report – September 2019**

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

**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 FROM DOLCE PANEPINTO RE MAPLE & TRANSIT ROAD - RECEIVED AND FILED AND REFERRED TO LEGAL FOR FOLLOW UP**

**C-2 FOIL FROM CAITLIN DIETRICK RE CHERRY PLACE, HAMBURG, NY - RECEIVED AND FILED AND REFERRED TO LEGAL FOR FOLLOW UP**

**C-3 FOIL FROM FOCUS RE MONTHLY WATER CONSUMPTION AT 855 STURGEON POINT RD. DERBY, NY - RECEIVED AND FILED AND REFERRED TO LEGAL FOR FOLLOW UP**

**C-4 FOIL FROM RUSSO DEVELOPMENT RE BID TABULATION FOR RESTORATION AREAS 1 AND 2 - RECEIVED AND FILED AND REFERRED TO LEGAL FOR FOLLOW UP**

**C-5 RESIGNATION LETTER – HOWARD HOELSCHER - RECEIVED AND FILED AND REFERRED TO SECRETARY FOR FOLLOW UP**

Chairman Schad thanked Mr. Hoelscher for his service.

## **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.

Vice Chairman Carney announced that he has had some positive input from ratepayers with respect to Russell Stoll's recent interview with Channel 2. They felt Mr. Stoll was not only informative and comfortable in the position, but that it was the first time they have seen an executive director explain a complex matter in terms that the ratepayers could understand. Mr. Carney congratulated Mr. Stoll on a job well done.

## **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. Carney and seconded by Mr. Jones and carried

#### **DISCUSSION**

None

#### **VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

### **ITEM 2 - FINAL ACCEPTANCE OF PROJECT WITH LEDGE CREEK DEVELOPMENT, INC. FOR AREA NO. 1 RESTORATION, APRIL 1, 2016 THROUGH MARCH 31, 2018, PROJECT NO. 201600004, CONTRACT NO. 16-07-03 - \$73,901.14**

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 - FINAL ACCEPTANCE OF PROJECT WITH LEDGE CREEK DEVELOPMENT, INC. FOR AREA NO. 2 RESTORATION, APRIL 1, 2016 THROUGH MARCH 31, 2018, PROJECT NO. 201600005, CONTRACT NO. 16-08-03 - \$70,022.82**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 4 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH BENCH STRENGTH PARTNERS, INC. TO PROVIDE PROFESSIONAL SERVICES RELATING TO CELL TOWER LEASING VALUATION, REVIEW OF EXISTING LEASES AND OTHER RELATED SERVICES, PROJECT NO. 201900258**

Motion by Mr. Carney and seconded by Mr. Jones and carried to approve with the amendments as explained by General Counsel

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 5 - AUTHORIZATION TO ACCEPT THE CONSTRUCTION AND INSTALLATION OF 665 LINEAR FEET OF EIGHT (8") INCH PVC WATERMAIN, ONE (1) HYDRANT AND APPURTENANCES IN DEER SPRINGS SUBDIVISION PART 4, PHASE 2E, TOWN OF HAMBURG, NEW YORK, PROJECT NO. 201600287, EC NO. 6933**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 6 - AUTHORIZATION TO ACCEPT THE CONSTRUCTION AND INSTALLATION OF 725 LINEAR FEET OF EIGHT (8") INCH PVC WATERMAIN, ONE (1) HYDRANT, TWO (2) LINE VALVES AND APPURTENANCES IN NORTHWOODS SUBDIVISION, PHASE 3, TOWN OF CLARENCE, NEW YORK, PROJECT NO. 201900100, EC NO. 7058**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 7 - AUTHORIZATION TO REJECT BIDS FOR STURGEON POINT WATER TREATMENT PLANT 20-INCH CONE VALVES INSPECTION AND REHABILITATION, PROJECT NO. 201900178**

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

**DISCUSSION**

Vice Chairman Carney asked Mr. Kowalski to explain why this bid is being rejected. Mr. Kowalski explained that the vendor who previously performed the service is now out of business. This vendor charged approximately \$13,000 per valve to rehabilitate the valves and ship back to the Authority. The vendor who currently bid on this project is charging approximately \$65,000 per valve which is above what the Authority should be paying. Therefore, staff determined it was in the best interest of the Authority to reject the bid and determine a different way to rehab the valves. Chairman Schad asked if we should be rehabbing these valves or purchasing new ones. Mr. Kowalski replied that these valves still have useful life in them so they should be rehabbed.

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 8 - 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 IN CONNECTION WITH PIN NO. 5813.00, PROJECT NO. 201900242**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 9 - AUTHORIZATION FOR SUSAN RINALDO, CASH MANAGER TO ATTEND THE MUNICIPAL BOND SEMINAR IN WASHINGTON, D.C.**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 10 - AUTHORIZATION TO SETTLE CLAIM WITH NEW YORK STATE AND EXECUTION OF A STIPULATION OF SETTLEMENT AND DISCONTINUANCE AND RELEASE**

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 AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL O & M BUDGET FOR FISCAL YEAR 2019**

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

**DISCUSSION**

Vice Chairman Carney thanked the department heads for the time and effort they put in in not only developing their budget but in keeping their budget realistic and taking in consideration what they had available to work with. He also praised them for attempting to keep the rates as reasonable as possible given the product that we produce and allow. Commissioner Jones concurred.

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 12 – ADOPTION OF THE 2020 OPERATING & MAINTENANCE AND CAPITAL BUDGETS**

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

**DISCUSSION**

Chairman Schad thanked the staff for their diligent work on presentation of information for the Commissioners. He noted that we have repositioned a bit in light of our comprehensive strategic plan. He believes we are going to see this incremental shift for more infrastructure investment but asked the departments to keep in mind that if we are going to make our targets on our strategic plan long term, we are likely to have a larger need request in the budget for infrastructure. Therefore, he asked the departments to use their forces and talents they have in their staff sufficiently but determine how we can get to full targets on our strategic plan.

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 13 – AUTHORIZATION TO FILE THE 2020 BUDGET & FINANCIAL PLAN TO THE PUBLIC AUTHORITIES REPORTING INFORMATION SYSTEM (PARIS)**

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

**DISCUSSION**

Vice Chairman Carney thanked Karen Prendergast for her work in this as he knows it is a monumental undertaking. Chairman Schad added that this PARIS report gets filed, and it is also published on our website as well as the state.

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 14 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH CIMATO BROTHERS CONSTRUCTION, INC. RELATIVE TO THE ACCEPTANCE OF MAINS, HYDRANTS, AND APPURTENANCES FOR NORTHWOODS SUBDIVISION PHASE 1, PROJECT NO. 201400202, EC NO. 7029**

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

**DISCUSSION**

None



**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**IX. ADJOURNMENT**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

A handwritten signature in dark ink, appearing to read 'T. D. McCracken', with a stylized, flowing script.

Terrence D. McCracken  
Secretary to the Authority

PF