

**MINUTES of the GOVERNANCE COMMITTEE MEETING of the ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 4<sup>th</sup> day of October 2018.

**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  
Russell J. Stoll, Executive Engineer  
John J. Mogavero, Chemist/Chief WTPO  
Joseph T. Burns, Deputy Administrative Director  
Karen A. Prendergast, Comptroller  
Daniel J. NeMoyer, Director of Human Resources

**ATTENDEES:** Brian Gould

**ALL TO ORDER AT 9:30 A.M.**

**PLEDGE TO THE FLAG**

**I. - ROLL CALL**

**II. - READING OF MINUTES**

Motion by Mr. Carney seconded by Mr. Jones and carried to waive the reading of the Minutes of the Governance Committee Meeting held on September 20, 2018.

**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 Governance Committee Meeting held on September 20, 2018.

#### **DISCUSSION**

Margaret Murphy noted that the Minutes of September 20, 2018 did not note Chairman Schad's previous nomination of Paul Wolf to sit on the three-member panel to the Ethics Board, and the Minutes should be amended to reflect same.

Motion by Mr. Schad to amend the Minutes of the Governance Meeting held on Thursday, September 20, 2018 to indicate Chairman Schad's previous nomination of Paul Wolf to sit on the three-member panel to the Ethics Board, seconded by Mr. Carney.

Chairman Schad calls for a vote on the motion to amend.

#### **VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

On the motion as amended,

Motion by Mr. Carney seconded by Mr. Jones to approve the amended Minutes

#### **DISCUSSION**

None

#### **VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

### **IV. – REPORTS**

1. Commissioner Carney – Nomination to Board of Ethics

#### **DISCUSSION**

Vice Chairman Carney reported that he has asked four people to serve on the Board of Ethics, however, they graciously declined. Mr. Carney then asked Attorney Margaret Murphy to serve on the three-member panel.

Motion by Mr. Schad to recommend to the Board of Commissioners of the Erie County Water Authority that the Authority appoint a three-member panel to the Ethics Board consisting of Margaret Murphy, Matthew Plunkett and Paul Wolf, seconded by Mr. Carney.

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**V. - COMMUNICATIONS AND BILLS**

**VI. - UNFINISHED BUSINESS**

**T-2 ADOPTION OF POLICY NO. 96.0 (ITEM NO. 15 4/19/18)**

**T-11 AMENDMENT TO THE AUTHORITY'S CODE OF ETHICS RELATING TO CONDUCT OF COMMISSIONERS AND FORMER COMMISSIONERS ITEM NO. 7 6/28/18)**

**VII. - NEW BUSINESS**

1. Open Meeting Policy and Procedure

**DISCUSSION**

Attorney Margaret Murphy distributed a draft Open Meeting Policy & Procedure for review and/or comments. Some proposed changes mentioned were adding additional parties to the Notice of Meetings: WBEN, WBFO, Spectrum and WNED, and include live streaming to Section 7 meeting minutes. Commissioner Jones remarked on a memo he came across from Paul Wolf. He commented that some of Mr. Wolf's issues are being addressed. However, Mr. Wolf criticized that there should be a place on the Board's agenda allowing the public to address the Board on Water Authority business. A conversation was then held relative to the public speaking and the duration allowed and at what point in the meeting are they able to speak. It was agreed that the "Notice of Expression" should follow "Communications and Bills". Chairman Schad suggested using the formal name of the form in Section 6 (d) and not "blue sheet". Vice Chairman Carney asked that Brian Gould review this policy.

Motion by Mr. Schad to recommend to the Board of Commissioners of the Erie County Water Authority that the Authority adopt the proposed Open Meetings Law Policy & Procedures for Accessing Public Meetings with edits, seconded by Mr. Carney.

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

2. Sexual Harassment Policy

**DISCUSSION**

Margaret Murphy, in Jackie Mattina’s absence, distributed an Interim Sexual Harassment Policy No. 75. Daniel NeMoyer explained that on April 12, 2018 the Governor of the State of New York signed legislation specifying required steps employers must take to address workplace sexual harassment. The New York State Department of Labor and the New York State Department of Human Rights published a draft sexual harassment policy but have not published the final version of the model sexual harassment prevention policy as well as a model sexual harassment prevention training program. Mr. NeMoyer further explained that the New York Labor Law §201-G requires all employers adopt either the model policy or a policy that “equals or exceeds” the minimum standards for such policy by October 9, 2018. The Authority currently has in effect an Anti-Harassment Policy, identified as Policy No. 75 in the Authority’s Policies and Procedures Manual and in order to comply with the new legislation is necessary to revise the Authority’s Anti-Harassment Policy No, 75.

Motion by Mr. Carney to recommend to the Board of Commissioners of the Erie County Water Authority that the Authority adopt the Interim Sexual Harassment Policy No. 75. with edits, seconded by Mr. Jones.

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones  
Noes: None

**VIII. – ADJOURNMENT**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones  
Noes: None

Respectfully submitted,



Terrence D. McCracken  
Secretary to the Authority

PF

10/04/18