

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 12th day of December 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 W. Barrett, Security Officer
Jeffrey Schlierf, Acting Manager of Information Technology
Richard J. Deren, Network Specialist

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, November 21, 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, November 21, 2019.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

IV. REPORTS

A) SECRETARY

No Report

B) LEGAL

1. Executive Session

Discussion with the Authority's General Counsel relating
to proposed or pending litigation pursuant to Public Officers
Law § 105(1)(d)

The Chair requested that the executive session be deferred until the end of the meeting.

C) FISCAL

1. Non-Represented Employees

Karen Prendergast reported to the Board that it has been customary for the Board to consider cost of living increases for employees not represented by a bargaining unit. Historically this resolution is done at the end of the year. The Unions have negotiated increases of 2 and 2.5 percent. Chairman Schad agreed to put a resolution on for this at the next meeting.

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 LETTER FROM CELLINO & BARNES RE 102 SABLE PARK, EAST AMHERST - RECEIVED AND FILED AND REFERRED TO LEGAL FOR FOLLOW UP****DISCUSSION**

Margaret Murphy informed the Board that this issue has been addressed. Commissioner Jones asked if C-1 and C-2 are related, which they are not. He asked if the problem with raised valve covers is prevalent. It was explained that sidewalks tend to settle and, therefore, the problem occurs. Ms. Murphy explained that the Authority must be put on notice to make the Authority aware that a dangerous condition exists. The Authority then bears the responsibility if the issue is not immediately addressed.

C-2 SUMMONS & COMPLAINT – JOHN BLESSING - RECEIVED AND FILED AND REFERRED TO LEGAL FOR FOLLOW UP**Discussion**

Ms. Murphy noted that the Authority does not need to handle this matter because there is no deductible when it comes to personal injury. They have been in contact with the Authority through Molly Musarra so the Authority can be provided an affidavit.

C-3 FOIL FROM EILEEN TORRE RE VILLAGE OF WILLIAMSVILLE WATERMAIN BREAKS & REPAIRS - RECEIVED AND FILED AND REFERRED TO LEGAL FOR FOLLOW UP**C-4 FOIL FROM LYNDSY WILLIAMS RE WORK ORDER FOR 28 LAVERACK AVE., LANCASTER - 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. 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 NEW FRONTIER EXCAVATION & PAVING, INC. FOR CONTRACT NO. EA-011, WATER SYSTEM IMPROVEMENTS IN THE TOWN OF AMHERST AND CITY OF TONAWANDA, NEW YORK, PROJECT NO. 201700087, CONTRACT NO. 18-11-03 - \$25,000.00

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 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH P&A ADMINISTRATIVE SERVICES, INC. TO PROVIDE AN ADMINISTRATION OF EMPLOYEE ACCOUNTS UNDER INTERNAL REVENUE CODE SECTION 105 (h), SECTION 125 AND SECTION 132 (f), PROJECT NO. 201900229

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

DISCUSSION

Vice Chairman asked Ms. Prendergast to explain so the public understands what we have to do under the IRS code. She reported that these reflect flexible spending account for employees allowing them to contribute on a pre-tax basis for medical savings accounts, parking child care. The Authority collects the money and P&A administers the claims.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 4 - AUTHORIZATION TO SOLICIT REQUEST FOR PROPOSALS FOR DISTRIBUTION MAIN DESIGN PROJECTS 2020-2021, PROJECT NO. 202000002

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

DISCUSSION

Mr. Kowalski noted that Item 4 is for distribution mains, and Item 5 handles transmission mains.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 5 - AUTHORIZATION TO SOLICIT REQUEST FOR PROPOSALS FOR TRANSMISSION MAIN DESIGN PROJECTS 2020-2021, PROJECT NO. 202000012

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

DISCUSSION

Mr. Kowalski reported that this project picks up both the large transmission line project in the North and the large one in the South of our system.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 6 - AUTHORIZATION TO SOLICIT REQUEST FOR PROPOSALS FOR AMERICA'S WATER INFRASTRUCTURE ACT (AWIA) – RISK AND RESILIENCE ASSESSMENT, PROJECT NO. 201900274

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

DISCUSSION

Vice Chairman Carney asked Mr. Kowalski to explain what this is. Mr. Kowalski reported that this is a risk assessment of the Authority's infrastructure. These have been done in the past where it was mainly focused on fiscal assets. It has recently been changed to include natural hazards. Mr. Carney questioned if this report has to be given to anyone. The first part of it is the risk and resilience assessment which is self-certifying, and we don't provide any of that information. The second part is for the emergency response plan which must be submitted. Chairman Schad would like to have an internal drill on the emergency response plan when it is completed.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 7 - AUTHORIZATION TO SOLICIT REQUEST FOR PROPOSALS FOR VAN DE WATER TREATMENT PLANT CAPACITY EXPANSION PROJECT, PROJECT NO. 202000011

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

DISCUSSION

Commissioner Jones asked if this is a major expansion of Van de Water. Mr. Kowalski noted that this is a preliminary design for a major expansion of Van de Water so it will get us to a point of 20-35 percent of the project, so we have an overall basis of design. The numbers can then be looked at, and the consultant will put together a schedule for us and estimate a cost for construction which will then be presented to the Commissioners. He added that Genesee County comes into play along with the Authority providing additional water from the northern area down to the southern area. Chairman Schad remarked that he is very much in favor of it because it hits two of the basis on our strategic plan both on the resiliency issue and the expansion.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 8 - RESOLUTION GRANTING THE ERIE COUNTY WATER AUTHORITY TO PAY THE COSTS AND RESPONSIBILITIES OF THE CONSTRUCTION OF A BETTERMENT ON OR ALONG LAKE SHORE ROAD/RTE. 5, TOWN OF HAMBURG, NEW YORK, ERIE COUNTY, PIN NO. 5813.63, PROJECT NO. 201900071

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 TO ADVERTISE FOR BIDS FOR CONTRACT NO. CH-012, WATER SYSTEM IMPROVEMENTS IN THE TOWN OF CHEEKTOWAGA, NEW YORK, PROJECT NO. 201900074

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

DISCUSSION

Commissioner Jones asked if items 9-13 are lease managed. Mr. Kowalski informed him that these are all direct service.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 10 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR CONTRACT NO. CPL-005, WATER SYSTEM IMPROVEMENTS IN THE VILLAGE OF SLOAN, NEW YORK, PROJECT NO. 201900072

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 ADVERTISE FOR BIDS FOR CONTRACT NO. WSA-014, WATER SYSTEM IMPROVEMENTS IN THE TOWNS OF CHEEKTOWAGA AND WEST SENECA, CITIES OF TONAWANDA AND LACKAWANNA AND VILLAGE OF BLASDELL, NEW YORK, PROJECT NO. 201900075

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 ADVERTISE FOR BIDS FOR CONTRACT NO. NC-039, WATER SYSTEM IMPROVEMENTS IN THE TOWNS OF AMHERST AND CHEEKTOWAGA, NEW YORK, PROJECT NO. 201900073

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 13 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR CONTRACT NO. GP-008, WATER SYSTEM IMPROVEMENTS IN THE TOWNS OF WEST SENECA AND HAMBURG AND CITY OF LACKAWANNA, NEW YORK, PROJECT NO. 201900076

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 ADVERTISE FOR BIDS FOR THE FURNISHING AND DELIVERING OF POTASSIUM PERMANGANATE TO THE ERIE COUNTY WATER AUTHORITY FOR USE IN THE TREATMENT OF WATER FROM APRIL 1, 2020 THROUGH MARCH 31, 2022, PROJECT NO. 202000009

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 15 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR ERIE COUNTY
WATER AUTHORITY GAS DETECTION EQUIPMENT AND
MAINTENANCE PROGRAM, PROJECT NO. 201900173**

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 16 - SALARY INCREMENTS - JANUARY 1, 2020

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

DISCUSSION

Commissioner Jones asked if these are all contractually obligated. Ms. Prendergast explained that these are step increments based on merit. It includes union and non-represented employees.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 17 - FIRST LONGEVITY INCREMENTS - JANUARY 1, 2020

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 18 - ADDITIONAL LONGEVITY INCREMENTS - JANUARY 1, 2020

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

Motion made by Mr. Carney, seconded by Mr. Jones to go into Executive Session for discussion with the Authority's General Counsel relating to proposed or pending litigation pursuant to Public Officers Law § 105(1)(d) at 9:51 a.m. Mr. Schad invited Mr. McCracken, Ms. Murphy, Mr. Stoll, Ms. Prendergast and Mr. Gould.

DISCUSSION

Ms. Murphy explained that Mr. Gould is an agent of the Authority. Mr. Gould has been assisting her on everything she has been working on so attorney-client privilege is covered.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

Motion made by Mr. Carney, seconded by Mr. Jones to exit Executive Session at 10:20 a.m.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

Motion made by Mr. Carney, seconded by Mr. Jones that having reviewed and discussed a proposed settlement agreement of a pending Supreme Court action in the County of Erie by Earl L. Jann, Jr., Plaintiff, against Jerome D. Schad et al. Index No. 807168/2019 to approve the agreement and direct the Comptroller to issue the settlement check

Motion made by Mr. Jones, seconded by Mr. Carney that the agreement and any other documents necessary to discontinue the litigation be signed by the Chair on behalf of the Authority and direct the Secretary to have the executed agreement posted on the Authority's website

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

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