

**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 advised that this should be posted. He advised 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 it is not necessary for this item on the meetings as it is merely an administrative task and that the work performed is governed by contracts that the Board approved. The Board agreed it is not necessary for this to be an item 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 did exceed 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 added that this is necessary to report this liability. She further advised that in 2018 a new GASB 75 was adopted which 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.

### **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; Comms. 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; Comms. 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, as amended in the Governance Meeting ealier, 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

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

SLZ