

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 24th day of March 2020.

PRESENT: **Jerome D. Schad, Chairman**
Mark S. Carney, Vice Chairman
Terrence D. McCracken, Secretary to the Authority
Karen A. Prendergast, Chief Financial Officer (via teleconference)
Margaret A. Murphy, General Counsel (via teleconference)
Russell J. Stoll, Chief Operating Officer
Leonard F. Kowalski, Executive Engineer (via teleconference)
Daniel J. NeMoyer, Director of Human Resources (via teleconference)
Lavonya C. Lester, Director of Administration (via teleconference)
Sabrina A. Figler, Director of Water Quality (via teleconference)
Matthew W. Barrett, Security Officer (via teleconference)
Jeffrey Schlierf, Acting Manager of Information Technology (via teleconference)
Richard J. Deren, Network Specialist

ATTENDEES:

PLEDGE TO THE FLAG

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 9:59 a.m. A quorum was present with two Commissioners.

II. READING OF MINUTES

Motion by Mr. Carney seconded by Mr. Schad and carried to waive the reading of the Minutes of the Meeting held on Thursday, March 12, 2020.

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

III. APPROVAL OF MINUTES

Motion by Mr. Carney seconded by Mr. Schad and carried to approve the Minutes of the Meeting held on Thursday, March 12, 2020.

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

IV. REPORTS**A) SECRETARY**

1. Civil Service Approvals

Secretary McCracken explained to the Board that the PO-1Ms attached have been approved by Erie County Civil Service. He reminded the Board that the County's PO-1M system was down since last May, and is now working. The attached has not been presented to the Board.

2. Executive Session

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

Chairman Schad asked that the Executive session be discussed at the end of the meeting.

B) LEGAL

No Report

C) FISCAL

1. February 2019 Investment Report

Karen Prendergast distributed the February 2020 Investment Report along with a brief explanation of the report. Vice Chairman Carney asked if the budget will be adjusted going forward. Ms. Prendergast replied that in the past it hasn't been adjusted. Chairman Schad feels it does not need to be adjusted at this time.

2. Monthly Financial Report – February 2020

Karen Prendergast distributed the February 2020 Monthly Financial report. This report includes operating revenue, investment income, operating expense and net income. Chairman Schad asked which vendors we are limiting on site. Ms. Prendergast replied that as this time, there is no formal policy. However, in order to limit people in our facilities, a project will be delayed if possible.

D) OPERATIONS

1. AWIA Risk & Resiliency Assessment

Leonard Kowalski reported that ECWA has completed the Risk and Resiliency Assessment phase of the AWIA and will certify compliance with EPA by the March 31, 2020 deadline. Further provisions of the AWIA require systems to develop/update an Emergency Response Plan (ERP) and certify completion of the plan no later than 6 months after certification of the risk assessment. In response, an RFP was issued for professional engineering services and contracted with Arcadis to assist with compliance with provisions of the Act. The Authority will continue work on the completion of the ERP phase of this project. Due to the sensitive nature of the work, the same Consultant will be utilized for this phase. Chairman Schad expressed an interest on being informed of the results of the assessment at a later executive session meeting. Mr. Kowalski added that he will put together a presentation.

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 SAMUEL TRIPPIE RE STAFF COMPENSATION - RECEIVED AND FILED AND REFERRED TO SECRETARY FOR FOLLOW UP

C-2 FOIL FROM KORITA WALKER OF QUADIANT, INC. RE ECWA POSTAGE AND MAILING EQUIPMENT - RECEIVED AND FILED AND REFERRED TO SECRETARY FOR FOLLOW UP

C-3 SUMMONS & COMPLAINT DORIS FLANAGAN V. ECWA ET AL. - 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. Schad and carried

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 2 - FINAL ACCEPTANCE OF PROJECT WITH KANDEY COMPANY, INC. FOR LARGE SERVICES CONTRACT, FEBRUARY 1, 2017 THROUGH JANUARY 31, 2019, PROJECT NO. 201700003, CONTRACT NO. 17-04-01 - \$75,988.00

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 3 - FINAL ACCEPTANCE OF PROJECT WITH RUSSO DEVELOPMENT, INC. FOR EMERGENCY WATERMAIN REPAIR CONTRACT FROM AUGUST 1, 2017 THROUGH JULY 31, 2019, PROJECT NO. 201700055, CONTRACT NO. 17-14-08 - \$108,501.56

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 4 - AWARD OF CONTRACT TO CARUS LLC 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 - \$263,520.00

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

DISCUSSION

Vice Chairman Carney inquired why the contract is not being awarded to the apparent low bidder. Ms. Murphy replied that Shannon Chemical submitted a bid with a product manufactured outside the United States. The Authority's specification was clear in requiring a product that was produced and manufactured in the United States. After speaking to David Patton, Ms. Murphy contacted Shannon Chemical asking that they submit documentation to her showing that other water systems are using their products. Due to no response from Shannon Chemical even a week after the deadline, Ms. Murphy determined that their bid was non-responsive and award to Carus LLC.

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 5 - AWARD OF CONTRACT TO E&R GENERAL CONSTRUCTION, INC. 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 - \$2,133,555.00

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 6 - RATIFICATION OF THE INSTALLATION OF HYDRANTS AND VALVES AND RETIREMENT OF EXISTING HYDRANTS AND VALVES - VARIOUS LOCATIONS

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 7 - CREATION OF ONE POSITION OF SR. WATER TREATMENT PLANT OPERATOR (PART-TIME)

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 8 - AUTHORIZATION TO FILE THE PUBLIC AUTHORITY REPORTING INFORMATION SYSTEM (PARIS) 2019 REPORTS TO THE NEW YORK STATE AUTHORITY BUDGET OFFICE

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 9 - AUTHORIZATION TO APPROVE THE ERIE COUNTY WATER AUTHORITY'S ANNUAL INVESTMENT REPORT WITH AUDIT AND THE ANNUAL INVESTMENT GUIDELINES

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 10 - AUTHORIZATION TO ADOPT A POLICY AND PROCEDURES FOR DATA SECURITY

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 11 - AUTHORIZATION TO REVISE AND ADOPT THE ERIE COUNTY WATER AUTHORITY'S CODE OF ETHICS & CONFLICTS OF INTEREST POLICY AND ADOPT THE 2019 FINANCIAL DISCLOSURE STATEMENT FORM AND 2019 VENDOR LIST

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

DISCUSSION

The Commissioners thanked the staff who worked on this for their hard work.

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 12 - AUTHORIZATION TO AMEND POLICY NO. 16 WHISTLEBLOWER PROTECTION POLICY OF THE EMPLOYEE POLICY AND PROCEDURES MANUAL

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

Motion made by Mr. Carney, seconded by Mr. Schad to go into Executive Session for discussion relating to the emergency planning pursuant to Public Officers Law § 105(1)(a) (matters which imperil safety if disclosed) at 10:15 a.m. Mr. Schad invited Mr. McCracken, Ms. Murphy, Mr. NeMoyer, Mr. Stoll, Mr. Kowalski and Ms. Prendergast.

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

Motion made by Mr. Carney, seconded by Mr. Schad to exit Executive Session at 10:49 a.m.

DISCUSSION

Chairman Schad noted that a productive discussion was held.

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 13 - APPROVAL OF A DECLARATION OF EMERGENCY AND COMPREHENSIVE EMERGENCY MANAGEMENT PLAN

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

IX. ADJOURNMENT

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

A handwritten signature in black ink, appearing to read "T. D. McCracken", written in a cursive style.

Terrence D. McCracken
Secretary to the Authority

PF