

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 18th day of April 2019.

PRESENT: Jerome D. Schad, Chairman
 Mark S. Carney, Vice Chairman
 E. Thomas Jones, Treasurer (via audio and video conference)
 Terrence D. McCracken, Secretary to the Authority
 Margaret A. Murphy, Attorney
 Robert J. Lichtenthal, Deputy Director
 Karen A. Prendergast, Comptroller
 Daniel J. NeMoyer, Director of Human Resources
 Steven V. D'Amico, Business Office Manager
 Clayton J. Johnson, Production Engineer
 Joseph T. Burns, Deputy Administrative Director
 Matthew W. Barrett, Security Officer
 Lavonya C. Lester, Director of Administration

ATTENDEES: Brian Gould, E3 Communications

CALL 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 read the Minutes of the Meeting held on March 26, 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 March 26, 2019.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

IV. REPORTS

A) SECRETARY

1. Executive Session - Discussion of Executive Director Candidates pursuant to Public Officers Law §105(1)(f)

It was requested that this matter be deferred until the end of the meeting.

2. Erie County Dept. of Personnel Approval of Hiring
Lavonya Lester, Director of Administration

Terrence McCracken, Secretary to the Authority informed the Board that the Erie County Department of Personnel has approved Lavonya Lester's appointment as Director of Administration. Congratulations from the Board were given to Ms. Lester. Commissioner Jones inquired if any documentation was attached. Mr. McCracken informed him that the Authority receives a PO-1M form from the Personnel Department relative to the approval, but it is not attached. Ms. Murphy recapped the new hiring procedure about the prior notice.

B) LEGAL

1. Appointment to Independent Ethics Panel

Margaret Murphy, Attorney distributed a memo regarding the appointments to the Independent Ethics Panel: Maureen Krause, J. Matthew Plunkett and Paul W. Wolf, along with a bio on each of them. Ms. Murphy noted that all the pertinent employees are now starting to get the financial disclosure statements. Once John Gilmour, who has been assigned directly to work with the panel, knows all the statements are in, the panel can

then start reviewing the financial disclosure statements. Chairman Schad thanked the panel for serving.

2. Notice of Claim Memo

Ms. Murphy distributed a memo relative to a Notice of Claim with the City of Tonawanda. The Authority and the City of Tonawanda previously entered into a Cooperative Agreement relative to a reconstruction project along Koenig Alley Ave. in the City of Tonawanda. Pursuant to this agreement, the Authority agreed to reimburse the City in an amount not to exceed \$234,000. Upon completion of the project, the City invoiced the Authority \$253,265.12. After thorough review, Ms. Murphy recommended to treat this as a notice of contract claim. She noted the excess amount was due to estimated residential inspection fees. Commissioner Carney agrees since Engineering and Legal have both looked at this and approved.

3. Cell Tower Lease Consultants Memo

Margaret Murphy distributed to the Board a memo regarding an RFI for a Cell Tower Lease Consultant. She reported that there is a recent Court of Appeals decision that she believes could change the landscape in NYS as to those who rent space on towers and tanks wherein the equipment may be subject to real property taxes chargeable to the owner of the equipment. There has been a number of wireless and cell phone providers contacting the Authority wanting to renegotiate the terms of their agreements. Ms. Murphy noted that there is no one within the Authority who has any knowledge or experience in valuing these leases or who can advise the Legal Department if the Authority is receiving full market rates for such leases. Ms. Murphy proposed sending out an RFI to cell tower lease consultants who can do that type of work. The Commissioners agreed to moving forward with an RFI. Chairman Schad would like to make sure that the company that is chosen knows it will be helping us price individual towers. Vice Chairman Carney noted that when it is brought back to the Commissioners is must be definitive. Commissioner Jones requested that the Security department is involved.

C) FISCAL

1. Hi-Tech Services Contract Extension

Deputy Director Lichtenthal distributed a memo regarding a contract extension with Hi-Tech Services. He explained that the Authority has a current contract with Hi-Tech that allows for one more one-year extension. Hi-Tech has expressed interest in extending it with same pricing and same terms as current contract. Mr. Lichtenthal recommended that the contract is extended for one more year. Chairman Schad supports the extension but

going forward wants to look at what our needs are and within three months have staff look at IT planning for next year.

2. March 2019 Investment Report

Mr. Lichtenthal distributed and reviewed the March 2019 Investment Report. He noted that he expects that we will continue to have a positive variance on investment results.

3. Monthly Finance Report – March 2019

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

D) OPERATIONS

1. Machining & Fabrication Services Extension

Clayton Johnson distributed a memo regarding an extension with Frederick Machine & Manufacturing, Inc for machining and fabrication services. He is requesting permission to extend this contract for a one-year period. Board approved.

2. RFP

Clayton Johnson distributed a memo regarding an RFP for the design of a second raw water transmission main at Van de Water and a routing study for finished water transmission main between Van de Water and Ball Pump Station. Six proposals were received, and after a thorough review, Engineering is recommending negotiating a contract with Nussbaumer & Clarke for the work related to transmission main between Van de Water Raw pump station and Van de Water Treatment Plant and Arcadis for the study of the routing of the finished water transmission main. Board approved.

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** Creation and/or Amendment of Master Purchase Orders:

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

C-2 - Master Purchase Order Releases, Purchase Orders and Purchase Order Amendments:

Motion by Mr. Carney and seconded by Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

C-3 LETTER FROM OFFICE OF THE STATE COMPTROLLER - RECEIVED AND FILED

Commissioner Carney noted that they still have Mr. Burns as Secretary to the Authority and to put them on notice to change their records.

C-4 FOIL REGARDING INSURANCE INFORMATION FOR 716 SITE CONTRACTING, INC. - RECEIVED AND FILED

Commissioner Carney noted that the last names on the FOILs should not be redacted. If they are making a public request for documents, their name should be included, we should see them, and they should go online. The Board concurred.

C-5 FOIL REGARDING STAFF COMPENSATION LISTING- RECEIVED AND FILED

C-6 LETTER FROM THE ARC - RECEIVED AND FILED

C-7 LETTER FROM ROBERT J. LICHTENTHAL, JR. - RECEIVED AND FILED

Chairman Schad thanked Mr. Lichtenthal for his work at the Authority.

C-8 LETTER FROM NYS SENATE INVESTIGATIONS AND GOVERNMENT OPERATIONS COMMITTEE- RECEIVED AND FILED

Chairman Schad noted for the record that the response requested did go out on a timely manner, and they have everything that they have requested. Vice Chairman Carney asked that the response be sent to all the Commissioner and be posted.

C-9 NOTICE OF CLAIM NO. 2019-023- RECEIVED AND FILED

C-10 NOTICE OF CLAIM NO. 2019-025- RECEIVED AND FILED

C-11 NOTICE OF CLAIM NO. 2018-056- RECEIVED AND FILED

C-12 FOIL REGARDING PHONE RECORDING- RECEIVED AND FILED

C-13 FOIL REGARDING DISCONNECTED PREMISES- RECEIVED AND FILED

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 - FINAL ACCEPTANCE OF PROJECT WITH GLOBAL CONTRACTING & PAINTING, INC. FOR CONTRACT NO. W-22C-1, STORAGE TANK REFURBISHING - GROUND, PROJECT NO. 201300266, CONTRACT NO. 16-09-04 - \$17,259.66

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 UTILITY SERVICE CO., INC. FOR CONTRACT NO. W-22C-2, STORAGE TANK REFURBISHING - ELEVATED, PROJECT NO. 201300266, CONTRACT NO. 16-13-05 - \$23,400.00- RECEIVED AND FILED

ITEM 3 - FINAL ACCEPTANCE OF PROJECT WITH AMSTAR OF WESTERN NEW YORK, INC. FOR CONTRACT NO. W-23, STORAGE TANK REFURBISHING, PROJECT NO. 201500177, CONTRACT NO. 16-19-08 - \$56,308.46

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 - FINAL ACCEPTANCE OF PROJECT WITH H & K SERVICES FOR CONTRACT NO. OBG-12A STURGEON POINT AND VAN DE WATER IMPROVEMENTS PROJECT, PROJECT NO. 201500169, CONTRACT NO. 17-01-01 – \$20,000.00

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 5 - AUTHORIZATION TO ENTER INTO A CONSENT WITH UPSTATE CELLULAR NETWORK D/B/A VERIZON WIRELESS TO ALLOW CELLULAR EQUIPMENT MODIFICATION ON THE ERIE COUNTY WATER AUTHORITY'S PLEASANT VIEW TANK

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 SOLICIT REQUEST FOR PROPOSALS FOR UTILITY AND TELECOMMUNICATION AUDIT/CONSULTING SERVICES, PROJECT NO. 201900059

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 ACCEPT PROPOSAL OF WATERFORD PINES COMMUNITY, LLC AND RUSSO DEVELOPMENT, INC. FOR THE CONSTRUCTION AND INSTALLATION OF APPROXIMATELY 100 LINEAR FEET OF EIGHT (8") INCH DIP, 1,992 LINEAR FEET OF EIGHT (8") INCH PVC WATERMAIN, THREE (3) HYDRANTS AND APPURTENANCES IN WATERFORD PINES PHASE 2, TOWN OF HAMBURG, NEW YORK, PROJECT NO. 200400497, EC NO. 7020

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 8 - AUTHORIZATION TO ACCEPT PROPOSAL OF THE MARRANO/MARC EQUITY CORPORATION AND CIMATO BROS. CONSTRUCTION, INC. FOR THE CONSTRUCTION AND INSTALLATION OF APPROXIMATELY 681 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

Margaret Murphy wanted to make the Board aware that the Legal Department is working on the BCDs along with the bonds to comply precisely with the Tariff. Some of the BCDs are amending and some are changing. In addition, it is possible that some of the BCDs that are currently being approved may be amended in the future.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 9 - 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. 5EST.01, PROJECT NO. 201800260

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 - AWARD OF CONTRACT TO MODERN DISPOSAL SERVICES, INC. FOR FURNISHING NECESSARY LABOR AND MATERIALS FOR THE PICKUP, HAULING, AND DISPOSAL OF ALUMINUM-BASED RESIDUALS, ZEBRA MUSSELS, AND OTHER DEBRIS AND WASTE LOCATED AT DIFFERENT PROPERTIES BELONGING TO THE ERIE COUNTY WATER AUTHORITY FOR TWO YEARS FROM MAY 1, 2019 THROUGH APRIL 30, 2021 PROJECT NO. 201900012 - \$198,155.64

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 THE FURNISHING AND DELIVERING OF TEN (10) BOOSTER PUMPS AND MOTORS FOR ERIE COUNTY PUMP STATIONS, PROJECT NO. 201900023

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 - APPROVAL OF AMENDMENT NO. 2 OF NUSSBAUMER & CLARKE, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES FOR THE DESIGN AND CONSTRUCTION OF A NEW ELECTRICAL SUBSTATION FOR BALL PUMP STATION, IDENTIFIED AS CONTRACT NO. NC-35, PROJECT NO. 201600238 - \$68,000.00

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 13 - AUTHORIZATION TO GRANT LEAK ALLOWANCE REQUEST - \$4,244.12

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 FOR LAVONYA LESTER, DIRECTOR OF ADMINISTRATION AND LORI MOLINA, ACCOUNT CLERK TYPIST TO ATTEND THE NEW YORK STATE ASSOCIATION OF MUNICIPAL PURCHASING OFFICIALS (SAMPO) CONFERENCE IN ALBANY, NEW YORK

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

DISCUSSION

Commissioner Jones noted that we should do more of this type of training perhaps with the engineers who deal with contracts a lot. Chairman Schad agreed by adding that there

is nothing better for an organization like the Authority than making sure people stay current on statutory requirements.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 15 - CREATION OF ONE POSITION OF SR. PRODUCTION ENGINEER

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 - CREATION OF ONE POSITION OF SCADA ENGINEER

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

DISCUSSION

Chairman Schad noted that SCADA can do a lot to help the Authority on its modernization and automated controls to reduce leaks. This is a position that is very important to our operations.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 17 - CREATION OF ONE POSITION OF STORES CLERK (55A)

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 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER
AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2019**

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 19 - APPOINTMENT OF AD HOC MEMBERS TO THE ERIE COUNTY WATER
AUTHORITY, INDEPENDENT ETHICS PANEL**

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

DISCUSSION

Chairman Schad noted that all the Commissioners are pleased with our panel.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 20 - AUTHORIZATION TO PAY CITY OF TONAWANDA NOTICE OF CLAIM
RELATING TO WATERMAIN REPLACEMENT ALONG KOENIG ALLEY**

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 21 - AUTHORIZATION TO ENTER INTO A CATHODIC PROTECTION
SYSTEM EASEMENT GRANT WITH ENBRIDGE ENERGY, LIMITED
PARTNERSHIP**

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

DISCUSSION

Vice Chairman inquired as to what this resolution was about. Clayton Johnson responded that this is for safety purposes.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

Motion made by Carney, seconded by Mr. Jones to go into Executive Session pursuant to Public Officers Law Section 105 for the discussion of Executive Director Candidates at 10:17 a.m. and Mr. Schad invited Mr. McCracken, Ms. Murphy, Ms. Prendergast, Mr. NeMoyer and Mr. Lichtenthal.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

Mr. Carney made a motion and seconded by Mr. Jones to leave Executive Session at 10:39 a.m.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

Mr. Carney made a motion and seconded by Mr. Jones to authorize staff to negotiate a contract and bring it back to the Board for approval with AP Professionals, an executive search firm, to assist us with the Authority's search for Executive Director.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

IX. ADJOURNMENT

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

A handwritten signature in purple ink, appearing to read 'T. D. McCracken', with a stylized flourish at the end.

Terrence D. McCracken
Secretary to the Authority

PF