

**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 30<sup>th</sup> day of April 2020.

**PRESENT:** **Jerome D. Schad, Chairman**  
**Mark S. Carney, Vice Chairman/Treasurer**  
**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 9:46 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 March 24, 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 March 24, 2020.

**DISCUSSION**

None

**VOTE**

Ayes: Two; Commrs. Schad and Carney

Noes: None

**IV. – REPORTS****V. - UNFINISHED BUSINESS****VI. - NEW BUSINESS**

A. Policy No. 9 Use of Authority Vehicles

Karen Prendergast reported that she has revised Policy No. 9 (Use of Authority Vehicles) in the Authority's Policies/Procedures manual. She explained that it has been updated to reflect changes in job responsibilities and job titles. It governs the taxability of use of Authority vehicles and who is authorized to commute and use our vehicles. She thanked Margaret Murphy on her assistance with preparing the updated policy. Ms. Prendergast added that there is a resolution on the general meeting to approve the updated policy.

Motion by Mr. Carney, seconded by Mr. Schad and carried to recommend that the Board approve the authorization to adopt the amended version of Policy No. 9 (Use of Authority Vehicles).

**VOTE**

Ayes: Two; Commrs. Schad and Carney

Noes: None

B. Policy 44.A Healthcare Waivers

Policy 12 Termination and Severance Policy

Policy 46 Medical Coverage for Retirees

Margaret Murphy reported that in light of some recent legislation and other matters, the Executive staff is recommending the approval of three policies that need to be revised and readopted.

## Policy No. 12 Termination and Severance Policy

Ms. Murphy explained that the recommendation to revise and readopt Policy No. 12 (Termination and Severance Policy) is to conform with the recent legislation that was signed into law in November which limits how much a public authority can award severance pay. Additionally, due to the common law term-limit doctrine, the Board of Commissioners lacks the authority to approve employment contract beyond the term of any commissioner. The old policy contained a provision allowing an employment contract to deviate from the severance provisions within the old policy. The revised policy has removed this provision.

## Policy No. 46.0 Medical Coverages for Retirees

Ms. Murphy noted that the Executive staff has discussed a recruiting plan. As part of this plan, it was recommended to expand medical coverage for retirees to attract people from the private and public sector to come to the Water Authority. Ms. Murphy explained what provisions of the policy would be revised and that this only applies to employees not represented in a collective bargaining unit.

## Policy 44.A Healthcare Waivers

Ms. Murphy explained that Authority employees and retirees are eligible to receive cash payments in lieu of healthcare coverage if they file an annual waiver with the Authority. A cap on these waiver payments exists for employees and retirees, who are members of a collective bargaining unit. Policy No. 44.A currently offers waivers to non-represented employees and retirees, but does not impose a cap. The Executive Staff recommends the policy be revised to cap payments made for notices of waivers filed on or after January 1, 2021. Such payments would be made by the Authority during the 2022 calendar year. The revised policy would also deny payment waivers for part-time employees and for any employee who had already been retired from the NYSLRS and had been receiving Medicare benefits, when the employee was initially hired by the Authority. These provisions would go into effect on January 1, 2021 with final waiver payments to be made during the 2021 calendar year.

Motion by Mr. Carney, seconded by Mr. Schad and carried to recommend that the Board approve the authorization to adopt the amended versions of Policy 44.A Healthcare Waivers, Policy 12 Termination and Severance Policy and Policy 46 Medical Coverage for Retirees.

### **VOTE**

Ayes: Two; Commrs. Schad and Carney

Noes: None

**VIII. - ADJOURNMENT**

Motion by Mr. Carney seconded by Mr. Schad and 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', with a long horizontal flourish extending to the right.

Terrence D. McCracken  
Secretary to the Authority

PF