

**MINUTES** of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 16<sup>th</sup> day of May 2019.

**PRESENT:** **Jerome D. Schad, Chairman**  
**Mark S. Carney, Vice Chairman**  
**E. Thomas J. Jones, Jr., Treasurer**  
**Terrence D. McCracken, Secretary to the Authority**  
**Margaret A. Murphy, Attorney**  
**Karen A. Prendergast, Comptroller**  
**Daniel J. NeMoyer, Director of Human Resources**  
**Steven V. D'Amico, Business Office Manager**  
**Russell J. Stoll, Executive Engineer**  
**Joseph T. Burns, Deputy Administrative Director**  
**Matthew W. Barrett, Security Officer**  
**Lavonya C. Lester, Director of Administration**  
**Richard J. Deren, Network Specialist**  
**Joyce A. Tomaka, Manager of Accounting Services**

**ATTENDEES:** **Brian Gould, E3 Communications**

**CALL TO ORDER AT 9:30 a.m.**

**PLEDGE TO THE FLAG**

**I. ROLL CALL**

**II. READING OF ANNUAL MINUTES**

Point of Personal Privilege

Commissioner Jones mentioned Lynn Millane from the Town of Amherst recently passed away. He expressed that she was a wonderful lady who was a pioneer in public service especially for the Town of Amherst. Ms. Millane was the first female town board member in the Town of Amherst, the first female supervisor in the Town of Amherst, and he believes she sat on the state ethics board. Commissioner Jones felt her passing should be acknowledged and that she will be greatly missed. Commissioners Schad and Carney agreed.

Motion by Mr. Carney seconded by Mr. Jones and carried to read the Minutes of the Annual Meeting held on Monday, May 6, 2019

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**III. APPROVAL OF ANNUAL MINUTES**

Motion by Mr. Carney seconded by Mr. Jones and carried to approve the Minutes of the Annual Meeting held on Monday, May 6, 2019

**DISCUSSION**

Commissioner Jones stated that he would like Item No. 4 of the Annual Meeting Minutes to be amended. The Minutes noted Mr. Carney's point that if the Treasurer and Vice Chairman were to change roles, he feels another audit would be needed. However, Mr. Jones remarked that his counterpoint was not reflected in said Minutes. He would like it reflected in the history and on the record that his counterpoint was last year was an unusual situation as the Authority went with almost half a year without a Treasurer and that is why that interim audit was requested not because there was a change in Treasurer. If the Treasurer was changed at the Annual meeting, it would coincide with our annual audit.

Motion by Mr. Jones to amend the Annual Minutes of the Meeting held on Monday, May 6, 2019 to reflect his statement that his position was that the Authority required the additional audit because we had been without a Treasurer for some period of time, seconded by Mr. Carney

Chairman Schad calls for a vote on the motion to amend.

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

On the motion as amended,

Motion by Mr. Carney seconded by Mr. Jones to approve the amended Minutes

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**IV. READING OF MINUTES**

Motion by Mr. Carney seconded by Mr. Jones and carried to read the Minutes of the Meeting held on Monday, May 6, 2019

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**V. APPROVAL OF MINUTES**

Motion by Mr. Carney seconded by Mr. Jones and carried to approve the Minutes of the Meeting held on Monday, May 6, 2019

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**VI. REPORTS****A) SECRETARY**

## 1. Executive Session

Discussion relating to the appointment of a person to the position of Chief Financial Officer and discussion of a leave of absence of a particular person and discussion relating to a request for reinstatement by a particular person, pursuant to Public Officers Law § 105(1)(f) (matters relating to the appointment, employment or promotion of a particular person)

It was requested that this matter be deferred until after Item No. 7 of the meeting.

2. Erie County Dept. of Personnel Approval of Hiring:  
Michael Wymer, Sr. Production Engineer

Secretary McCracken notified the Board of Commissioners that the Department of Personnel has approved the above hire.

### 3. Chair's Memo for Board Discussion – Infrastructure

Commissioner Schad distributed a memo relative to comprehensive infrastructure strategic planning that he has been advocating. He asked that the Board and Senior Staff take three steps in that direction prior to the start of the 2020 budget process. The three steps are: 1. Set ECWA goals: Expansion, Redundancy in every aspect of ECWA's plant and distribution system, Automation and Cyber Security of our production and distribution system and annually invest \$20-\$25,000,000 in new transmission and distribution lines; 2. Agree on an Infrastructure Prioritizing Criteria and 3. Identify 3-5 large projects for design work in 2019-2020 to further long-term goals. Chairman Schad would like to have a discussion as he believes it is critical for the Authority to have agreed-upon goals. He proposed a timeline for each step. Commissioner Jones agreed that a plan is necessary and whatever plan we come up with should be in conjunction with our five-year budgeting plan, so it would have to interact with that. Chairman Schad added that it would tend to drive what the plan is going to do. The key that goals ought to drive the plan, not the plan drive the goals. Vice Chairman Carney noted if we don't have a plan then we're just being reactive. We are simply fixing because of leaks, and we're not going at the heart of where the problem is. Everybody acknowledges we have an aging system, and we need to be a lot more proactive than we are at replacing it. Couple that with its virtually impossible to get any type of state funding unless you put forth the projects for which you want funded. Vice Chairman Carney wholeheartedly agrees with Chairman Schad. Mr. Carney remarked that we are no longer in a position to simply say okay, no game plan guys let's just fix what breaks. He believes we need to be a lot more proactive. Chairman Schad asked senior staff, particularly the Executive Engineer, and others that want to chime in on goals or on the criteria early. Vice Chairman Carney asked that the response be sent to all three Commissioners. Ms. Murphy suggested referring this to the Finance Committee. Chairman Schad responded that the Finance Committee is not the right place to go. We need to set goals first. Chairman Schad ended the discussion asking that we try to make the target dates and, if we can, do them sooner. Commissioner Jones noted that this is a lot of work and thanked the Chairman for getting it started.

#### **A) LEGAL**

No Report

#### **B) FISCAL**

No Report

#### **C) OPERATIONS**

No Report

**D) HUMAN RESOURCES**

No Report

**E) AUDIT COMMITTEE**

No Report

**F) GOVERNANCE COMMITTEE**

No Report

**G) FINANCE COMMITTEE**

No Report

**H) ETHICS COMMITTEE**

No Report

At this time Chairman Schad announced that the Authority is privileged to be recognized as a community partner of the year by the ARC of Erie County. He wanted to note for the record that the Authority works for this community and is very pleased that the Authority was recognized for their work.

**VII. COMMUNICATIONS AND BILLS****C-1 FOIL RE NY CENTRAL MUTUAL FIRE INSURANCE ET AL - RECEIVE AND FILE****C-2 FOIL RE DISCONNECTED SINGLE-FAMILY PREMISES- RECEIVE AND FILE****C-3 LETTER FROM THE DEPARTMENT OF LABOR - RECEIVE AND FILE****DISCUSSION**

Chairman Schad asked if someone is following up on this. Karen Prendergast confirmed that it has already been done.

**VIII. 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.

**IX. UNFINISHED BUSINESS**

**X. 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 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH LAWLEY SERVICE, INC. TO PROVIDE RISK MANAGEMENT AND INSURANCE BROKER SERVICES, PROJECT NO. 201900047**

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

**DISCUSSION**

Chairman Schad noted that he spoke with Anthony Alessi and was informed this is moving along well.

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 3 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR STURGEON POINT WTP SLUDGE REMOVAL, DISPOSAL AND RELOCATION, PROJECT NO. 201900091**

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 - AUTHORIZATION TO GRANT LEAK ALLOWANCE REQUEST - \$2,278.16**

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 AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL O & M BUDGET FOR FISCAL YEAR 2019**

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

**DISCUSSION**

Vice Chairman Carney questioned why the first Whereas reads 2018 and not 2019. It was agreed that it should read 2019 and be amended to reflect the year 2019.

Motion by Mr. Carney to amend Item 5 in the first working paragraph where it reads "Operating & Maintenance Budget for the fiscal year 2018" to read 2019, seconded by Mr. Jones

Chairman Schad called for a vote on the motion to amend

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

On the motion as amended,

Motion by Mr. Carney seconded by Mr. Jones to approve the amended Item 5

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 6 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL O & M BUDGET FOR FISCAL YEAR 2019**

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

**DISCUSSION**

Vice Chairman Carney questioned why the first Whereas reads 2018 and not 2019. It was agreed that it should read 2019 and be amended to reflect the year 2019.

Motion by Mr. Carney to amend Item 6 in the first working paragraph where it reads “Operating & Maintenance Budget for the fiscal year 2018” to read 2019, seconded by Mr. Jones

Chairman Schad called for a vote on the motion to amend.

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

On the motion as amended,

Motion by Mr. Carney seconded by Mr. Jones to approve the amended Item 6

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 7 - 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

Motion made by Mr. Carney, seconded by Mr. Jones to go into Executive Session for the discussion relating to the appointment of a person to the position of Chief Financial Officer and discussion of a leave of absence of a particular person and discussion relating to a request for reinstatement by a particular person, pursuant to Public Officers Law § 105(1)(f) (matters relating to the appointment, employment or promotion of a particular person) at 9:49 a.m. and Mr. Schad invited Mr. McCracken, Ms. Murphy and Mr. NeMoyer.

**DISCUSSION**

None



**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 8 - CREATION OF ONE POSITION OF CHIEF FINANCIAL OFFICER  
(ECWA)**

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 - ADOPTION OF A NEW ORGANIZATIONAL CHART FOR THE ERIE  
COUNTY WATER AUTHORITY**

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

**DISCUSSION**

Chairman Schad thanked the staff who worked on the organizational chart and asked that this be posted to the Authority's website. Vice Chairman Carney agreed it is a far more manageable chart than the old organizational chart.

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 10 - APPOINTMENT OF KAREN A. PRENDERGAST TO THE POSITION OF  
CHIEF FINANCIAL OFFICER**

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

**DISCUSSION**

Chairman Schad noted that a motion is needed to amend this item to include step 5 under the Resolved on the last page.

Motion by Mr. Carney to amend Item 10 to include step 5 under the Resolved on the last page, seconded by Mr. Jones

Chairman Schad called for a vote on the motion to amend.

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

On the motion as amended,

Motion by Mr. Carney seconded by Mr. Jones to approve the amended Item 10

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 11 - APPOINTMENT OF AN INTERIM EXECUTIVE DIRECTOR**

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 - APPOINTMENT OF JOYCE A. TOMAKA TO THE POSITION OF  
TEMPORARY COMPTROLLER**

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

**DISCUSSION**

Chairman Schad thanked Joyce Tomaka for her hard work.

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 13 - AUTHORIZATION TO AMEND THE SALARY GRADES FOR THE  
POSITION OF SECRETARY AND ATTORNEY**

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 - MICHAEL LEE – LEAVE OF ABSENCE**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**XI. ADJOURNMENT**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

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

Terrence D. McCracken  
Secretary to the Authority

PF