

**MINUTES of the ETHICS BOARD MEETING of the ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 17th day of May, 2018.

**PRESENT:** Jerome D. Schad, Chairman  
 Mark S. Carney, Vice Chairman  
 Karl J. Simmeth, Jr., Treasurer  
 Terrence D. McCracken, Secretary to the Authority  
 Robert J. Lichtenthal, Jr., Deputy Director  
 Earl Jann, Executive Director  
 Margaret A. Murphy, Associate Attorney  
 Russell J. Stoll, Executive Engineer  
 Karen A. Prendergast, Comptroller  
 Paul Riester, Director of Administration  
 Joseph T. Burns, Deputy Administrative Director  
 Daniel J. NeMoyer, Director of Human Resources  
 Jacqueline Mattina, Deputy Associate Attorney  
 John J. Mogavero, Chemist/Chief WTPO  
 Joseph T. Burns, Deputy Administrative Director  
 Steven V. D'Amico, Business Office Manager

**ATTENDEES:** Sandra Tan  
 Mike Wymer  
 Gerald Summe  
 Jeff Preval  
 David Morales

**CALL TO ORDER**

**PLEDGE TO THE FLAG**

**I. - ROLL CALL**

**II. - READING OF MINUTES**

Motion by Mr. Simmeth seconded by Mr. Carney and carried to waive the reading of the Minutes of the Ethics Committee Meeting held on Thursday, May 3, 2018.

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Simmeth  
Noes: None

### **III. - APPROVAL OF MINUTES**

Motion by Mr. Simmeth seconded by Mr. Carney and carried to approve the Minutes of the Ethics Committee Meeting held on Thursday, May 3, 2018.

#### **DISCUSSION**

None

#### **VOTE**

Ayes: Three; Commrs. Schad, Carney and Simmeth  
Noes: None

### **IV. – REPORTS**

#### **A. Legal Department – Meeting with Representatives from the Erie County Board of Ethics - Discussion**

Margaret Murphy, Associate Counsel updates the Committee with regard to the meeting with the County that Chairman Jerome Schad, Secretary Terrence McCracken, Associate Counsel Margaret Murphy and Deputy Associate Attorney Jackie Mattina attended with Ms. Leslie Fogg from the County and Mr. Schwartz from the County. Further advises County states ECWA cannot change the current form. ECWA believes it should report for ECWA, not the County.

Mr. Schwartz indicated that the form cannot be altered at all and advised that BMHA and Sewer Authority have never raised a complaint.

Vice Chairman Mark Carney requested that Murphy get the County's determination in writing. Murphy advises she e-mailed the County and is waiting for a response.

Murphy advised that the County was waiving the 2016 filing and further that Ms. Mattina is preparing instructions for the employees for fill out the form.

Murphy stressed that she feels that although the County waived the filing for 2016, that ECWA employees should still file and requested the Committee to decide on this.

Vice Chairperson Carney advised that he does not feel the County has the right to waive the filing on ECWAs behalf and also questioned whether the State was the controlling entity and ECWA should be addressing these questions to the State.

Murphy advises that the County is not just a depository for this and that the County does have

enforcement powers.

Carney and Murphy both noted that the current ECWA list on employees that need to file does need to be updated moving forward.

The question before the Committee at this point is should ECWA employees file for 2016 and 2017.

All three Commissioners agreed that ECWA employees need to file for 2016 and 2017.

Murphy notes that Bob Lichtenthal did complete the ECWA Ethics form last year as he wanted to set an example for his staff, although his title is not subject to this filing.

Ms. Mattina will send out 2016 and 2017 County forms with instructions for employees.

Chairman Schad advises that we should use our internal ECWA form and note that it is for calendar year 2017.

Also noted that there is an ongoing duty of ECWA employees to report a conflict as it arises.

Murphy directs the Committees' attention to the ABO Ethics Practices to review and follow.

Motion was made Mr. Schad seconded by Mr. Carney that all ECWA employees file the County Disclosure form for 2016 and 2017 and all employees on the list to complete the 2017 and 2018 internal Erie County Water Authority forms.

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Simmeth

Noes: None

**V. - COMMUNICATIONS AND BILLS**

**VI. - UNFINISHED BUSINESS**

**VII. - NEW BUSINESS**

**A. Discussion of Policy No. 11 Procedures, Paragraph 2 Provision that: "The Board May Appoint a Three Member Panel to Advise on any Question"**

Chairman Schad proposes a panel to be appointed with at least three outside individuals to be on this panel.

Vice Chairman Carney agrees and suggested that one member could possibly be an ECWA staff attorney. He also advises ECWA should consider having the outside persons sign a nondisclosure/confidential agreement.

Chairman Schad agrees with the idea of a staff attorney but would still like three members of the public.

Murphy suggests a person from the County to be on the panel. Vice Chairman Carney said he would take this consideration under advisement, but that it was not a requirement.

Motion was made Mr. Schad seconded by Mr. Carney to appoint three members of the public to the panel on the ECWA Ethics Board.

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Simmeth

Noes: None

**VIII. - ADJOURNMENT**

Motion by Mr. Simmeth seconded by Mr. Carney and carried that the meeting adjourn.

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Simmeth

Noes: None

Respectfully submitted,



Terrence D. McCracken  
Secretary to the Authority

TDM:slz