

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 6th 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
 Sabrina A. Figler, Director of Water Quality
 Richard J. Deren, Network Specialist

ATTENDEES: **Brian Gould, E3 Communications**

CALL TO ORDER AT 9:54 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 April 18, 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 April 18, 2019.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

IV. REPORTS

A) SECRETARY

1. Executive Session

Discussion relating to the appointment of a person to the position of interim executive director and/or deputy director pursuant to Public Officers Law § 105(1)(f) (matters relating to the appointment, Employment or promotion of a particular person), to discuss with its Attorney the creation of an exempt position of chief financial officer exempt under the Open Meetings Law, pursuant to Public Officers Law § 108(3) and to deliberate over the engagement of professional headhunter and a timeframe to conduct such a search and to hire an executive director, with such deliberations exempt under the Open Meetings Law, pursuant to Public Officers Law § 108(3)

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

2. Erie County Dept. of Personnel Approval of Hiring:

Jo Fronczak, Laboratory Technician (Microbiology)

Adam Massaro, Distribution Engineer

Jeffrey Sylvester, Distribution Engineer

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

B) LEGAL**1. Legal Memo re Change of Status for Provisional Employees**

Margaret Murphy reported that she was asked the question does the new hiring policy include provisional employees. Ms. Murphy explained that the policy pertains to new hires. Once a person in a provisional position either passes the exam or for some circumstance they don't need to take an exam, they then become probationary which is not considered a new hire. Ms. Murphy added that, in her opinion, it is not necessary to report anything further to the Board because the Board has already been notified of the provisional appointment, and now the employee is fulfilling the conditions of that appointment. The Board agreed with Ms. Murphy's opinion but requested that they be notified that these employees are now moving forward in their new position.

C) FISCAL**1. Proposed 2020 Budget Preparation Timeline Memo**

Karen Prendergast distributed a memo outlining a schedule for the 2020 Budget. Ms. Prendergast noted that a couple of weeks have been added so the department heads have time to prepare their budgets. Chairman Schad remarked that he would like to see infrastructure planning implemented. He will come back with something for the next meeting to start the discussion in terms of defining an infrastructure plan so that it is in the budget.

D) OPERATIONS

No Report

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 NOC ILKA KRAFFT - RECEIVED AND FILED

C-2 NOC DANIEL SCIOLINO - RECEIVED AND FILED

C-3 NOC CHAD BUZIAK - RECEIVED AND FILED

C-4 E-MAIL FROM WESLEY DUST

DISCUSSION

Russ Stoll reported that the Erie County Agricultural Society (ECAS) is required by the Erie County Health Department to conduct bacteriological sampling at the Erie County Fairgrounds prior to the opening of the Erie County Fair. In the past, the Authority has performed testing free of charge for the ECAS. Mr. Stoll explained that the ECAS has requested that the Authority do the same for this year. A discussion was held as to whether or not the Authority should honor this request. Mr. Stoll believes it would cost the Authority \$100 to perform the testing. Points were made such as the Authority being held liable and the fact that if an issue arises the Authority is required to do a follow up. Chairman Schad requested that staff takes two weeks to figure out the right way to handle this and come back with a proposal.

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. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 2 - FINAL ACCEPTANCE OF PROJECT WITH KAMAN AUTOMATION, CONTROL & ENERGY FOR CONTRACT NO. EMA-03A, DISTRIBUTION SCADA REPLACEMENT, PROJECT NO. 201400160, CONTRACT NO. 16-16-07 - \$59,889.31

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

DISCUSSION

Chairman Schad asked Mr. Stoll if everything is in place for the SCADA system. Mr. Stoll responded that we are taking the next step which is to optimize the operations finished by the Authority. Chairman Schad asked Executive Engineer Stoll to prepare an overall review on what is intended to benchmark our modernization.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 3 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH AP PROFESSIONALS TO ASSIST THE ERIE COUNTY WATER AUTHORITY IN THE SEARCH FOR AN EXECUTIVE DIRECTOR

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

DISCUSSION

Chairman Schad remarked that AP Professionals will have a window of sixty days to recommend their top five candidates for Executive Director. Vice Chairman Carney thanks Ms. Murphy and Mr. McCracken for their hard work on this project.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 4 - 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

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 5 - AWARD OF CONTRACT TO PHENOVA, INC. FOR CHEMISTRY AND MICROBIOLOGY PROFICIENCY SAMPLES AND CHEMISTRY STANDARDS FOR THREE YEARS FROM FEBRUARY 1, 2019 TO JANUARY 31, 2022, PROJECT NO. 201900009 - \$26,896.00

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

DISCUSSION

Commissioner Jones asked if this is a unique process because it was a sole bid. Mr. Stoll confirmed that it is a unique process. Karen Prendergast added that this is \$26,896.00 annually over three years.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 6 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE FURNISHING AND DELIVERING OF ONE NEW AND UNUSED ENCLOSED TRAILER (ECWA V712) WITH STANDARD WARRANTY, PROJECT NO. 201900102

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 EXTEND THE PROFESSIONAL SERVICES CONTRACT WITH HI-TECH SERVICES TO PROVIDE INFORMATION TECHNOLOGY CONSULTING AND SUPPORT SERVICES, CONTRACT NO. HT-006, PROJECT NO. 201600166

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 - APPROVAL OF CHANGE ORDER NO. 1 OF VERAVIEW LLC TO PROVIDE DESIGN, INSTALLATION AND PROGRAMING OF AUDIO AND VIDEO EQUIPMENT FOR THE ERIE COUNTY WATER AUTHORITY'S ELLICOTT SQUARE BOARDROOM AND SERVICE CENTER TRAINING ROOM, PROJECT NO. 201800246 - \$631.22

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 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER
AUTHORITY OPEN MEETINGS LAW POLICY & PROCEDURES FOR
ACCESSING PUBLIC MEETINGS**

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. Schad, seconded by Mr. Carney to go into Executive Session pursuant to Public Officers Law Section 105 for the discussion relating to the appointment of a person to the position of interim executive director and/or deputy director pursuant to Public Officers Law § 105(1)(f) (matters relating to the appointment, Employment or promotion of a particular person), to discuss with its Attorney the creation of an exempt position of chief financial officer, exempt under the Open Meetings Law, pursuant to Public Officers Law § 108(3) and to deliberate over the engagement of professional headhunter and a timeframe to conduct such a search and to hire an executive director, with such deliberations exempt under the Open Meetings Law, pursuant to Public Officers Law § 108(3) at 10:24 a.m. and Mr. Schad invited Mr. McCracken, Ms. Murphy and Ms. Fabozzi.

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 11:09 a.m.

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 blue ink, appearing to read 'T. D. McCracken', with a stylized flourish at the end.

Terrence D. McCracken
Secretary to the Authority

PF