

**MINUTES** of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 14<sup>th</sup> day of June, 2018 as amended August 16, 2018

**PRESENT:** Jerome D. Schad, Chairman  
Mark S. Carney, Vice Chairman  
Terrence D. McCracken, Secretary to the Authority  
Margaret A. Murphy, Associate Attorney  
Robert J. Lichtenthal, Jr. Deputy Director  
Karen A. Prendergast, Comptroller  
Earl L. Jann, Executive Director  
Paul H. Riester, Director of Administration  
John J. Mogavero, Chemist/Chief WTPO

**ATTENDEES:** Mike Mombrea, WIVB  
Chris Horvatits, WIVB  
David Harrington, WGRZ  
Dave McKinley, WGRZ  
Bohdan Petriv, WKBW

#### **CALL TO ORDER**

#### **PLEDGE TO THE FLAG**

#### **I. - ROLL CALL**

#### **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 Thursday, May 31, 2018.

#### **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 Thursday, May 31, 2018.

**DISCUSSION**

Vice Chairman Carney noted he has reviewed same, and they appear to be appropriate. Chairman Schad noted that there was a correction in the draft of the minutes in which staff fixed so they are completed for this meeting.

**VOTE**

Ayes: Two; Commrs. Schad and Carney

Noes: None

**IV. – REPORTS****SECRETARY**

## 1. Executive Session

Discussion of Employment Contracts with Executive Director and Deputy Director pursuant to Public Officers Law §105(1)(f) (matters relating to the employment history of a particular person)

Secretary McCracken announced that there will be an Executive session at the end of the regular meeting to discuss the above.

## 2. Status of Hiring of Attorney

Mr. McCracken informed the Board that the vacancy for the position of Attorney was posted on the website along with notifying the Erie County Bar Association, Women's Bar Association of the State of New York Western New York Chapter and the Minority Bar Association of Western New York of said vacancy. These resumes were due back on June 8, 2018 in which three resumes were received. The week of June 18<sup>th</sup> the resumes will be reviewed by Mr. McCracken, Bob Lichtenthal, Karen Prendergast and Jackie Mattina. Interviews will be held June 25, 2018 to June 27, 2018 and narrowed down to two candidates. These candidates will be interviewed by the Board at the Board meeting on June 28, 2018.

## 3. Report on Public Relations Services RFP

Secretary McCracken reported that the RFP was sent to twelve firms in which three responded. The responses will be reviewed in the next few days and discussions will be held with the respondents. Mr. McCracken would like to have a recommendation to the Board at the next meeting.

#### 4. Report on Pre-Bid Meeting for Website Design RFP

Secretary McCracken reported that the website design RFP was sent out 28 firms, and they are due back on June 15<sup>th</sup>. A pre-bid meeting was held, and minutes of that meeting were sent to all the firms. Mr. McCracken made sure that all the bidders understood that the Authority needs to be fully compliant with Authorities Budget Office in what they need to be placed on our website as well as the Buffalo Niagara Coalition of Open Government. Secretary McCracken noted that he has not reached out to Paul Wolf regarding the RFP. He would like Mr. Wolf to review the proposal to make sure the proposals are compliant with the things that they are trying to do relative to open government. Vice Chairman Carney would like the meeting with Mr. Wolf to be held before selecting the firm so that there is a more detailed list of exactly what it is that we expect to be on the website to be compliant. He would like a meeting scheduled in the next week with Mr. Wolf. Chairman Schad added that the website is not the “end all be all” of transparency. The goal to reform is also to make it easier for the public.

### **LEGAL**

#### 1. Award of Contract for Hydrofluorosilicic Acid

Associate Attorney Murphy distributed a memo regarding the Hydrofluorosilicic Acid award. She explained that at the last meeting when she spoke about the matter of the Hydrofluorosilicic Acid award she misspoke and said it was a RFP but it was actually a formal bid. She cited the section that basically says you can reject all bids if it is in the best interest of the Authority. Ms. Murphy wanted to give an updated memo to clear it up memo so it would be part of the record. Vice Chairman Carney stated that the Commissioners didn't want to get into a situation where we were putting out a bid that we understood that only one person qualified for. Ms. Murphy said that can be done, however, even though we believed they were a sole source we still wanted to provide other people who actually submitted bids the chance to see if they could provide the product. Vice Chairman Carney made it clear at the last meeting it was agreed that the reason we prefer this company is because they worked with a product that had less chemical by-products such as arsenic. He reviewed Ms. Murphy's memo and understands it.

Chairman Schad added that he has dealt with sole source contract issues and agrees with Ms. Murphy that you never know when something is going to allegedly stay a sole source.

Mr. Riester informed the Board that he is currently looking at a service called Gov Buy (product of SmartProcure) which is a nationwide service that will be far more transparent on all the bids that are out there that the Authority could piggy back, state contract, etc. This service can validate sole sources a lot clearer than our research. Mr. Riester believes this would be a good service for us to have. The Commissioners asked Mr. Riester to follow up. Chairman Schad would like Mr. Riester to take a look at the Authority's procurement process and do a write up on that so any procurement issues can be validated.

### **FISCAL**

1. Documents for Review Regarding 2018 Bond Issuance

Mr. Lichtenthal distributed documents for review regarding the 2018 Bond Issuance. Vice Chairman Carney pointed out a couple of places in the documents where it talks about Erie County. He asked if it was referring to the County of Erie or the Erie County Water Authority. Mr. Lichtenthal will get further clarification and report back.

**OPERATIONS**

No Report

**HUMAN RESOURCES**

No Report

**AUDIT COMMITTEE**

No Report

**GOVERNANCE COMMITTEE**

1. Summary of 5/31/18 Governance Committee Meeting

Commissioner Schad gave a summary of the May 31, 2018 Governance Committee meeting.

**FINANCE COMMITTEE**

Summary of 5/17/18 meeting

Commissioner Schad gave a summary of the May 31, 2108 Finance Committee meeting.

**ETHICS BOARD**

No Report

**V. - COMMUNICATIONS AND BILLS**

**ITEM 1 - MASTER PURCHASE ORDER RELEASES, PURCHASE ORDERS AND**

06/14/18

## **PURCHASE ORDER AMENDMENTS**

Motion by Mr. Carney seconded by Mr. Schad

### **DISCUSSION**

Vice Chairman Carney inquired as to why an additional \$19,000 was needed for Advanced Auto Parts. Mr. Riester explained that we bought up to the current limit, and more money is needed to continue to buy into this contract. It was told to Vice Chairman Carney that the Authority owns all its vehicles, and they are kept under warranty.

### **VOTE**

Ayes: Two; Commrs. Schad and Carney

Noes: None

## **ITEM 2 - MASTER PURCHASE ORDER RELEASES, PURCHASE ORDERS AND PURCHASE ORDER AMENDMENTS**

Motion by Mr. Carney seconded by Mr. Schad

### **DISCUSSION**

None

### **VOTE**

Ayes: Two; Commrs. Schad and Carney

Noes: None

## **VI. - UNFINISHED BUSINESS**

- T-1        APPROVAL OF THE AMENDMENT TO THE PROPOSED POLICY NO. 94.0 (ITEM NO. 4 4/19/18) (REFERRED TO GOVERNANCE COMMITTEE)**
- T-2        ADOPTION OF POLICY NO. 96.0 (ITEM NO. 15 4/19/18) (REFERRED TO GOVERNANCE COMMITTEE)**
- T-6        AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH GREENMAN-PEDERSEN, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES FOR THE DESIGN AND CONSTRUCTION OF WATER SYSTEM IMPROVEMENTS IN THE VILLAGE OF DEPEW AND TOWN OF WEST SENECA, NEW YORK, IDENTIFIED AS CONTRACT NO. GP-007, PROJECT NO. 201800080 (ITEM NO. 4 5/31/18)**

Motion to remove from table, subject to Addendum 1 in item 6 in the meeting of June 14,

2018, by Mr. Carney seconded by Mr. Schad

**DISCUSSION**

Chairman Schad noted that this item is relative to the correcting addendum that has been placed on today's agenda. Ms. Murphy explained that the current template used for the professional services contracts will be reviewed and changed to make reading the contract clearer as to how much we are being charged on an hourly basis, those things that are not based on a lump sum and those that are subject to change based on hours. She will have a draft amended template for Board to review and comment upon and then put into effect. Vice Chairman Carney noted that rather than having a sheet that gets passed around from department to department engineering will be talking to the attorneys so that both departments understand what is in the contract so that they can have a more meaningful review of the contract process. In Chairman Schad's experience at the Authority, he believes there has been a disconnect between engineering and attorneys as they are not involved with each other. Commissioners stated they are comfortable with addendum. Ms. Murphy further explained we aren't amending anything but basically clarifying. Mr. Carney has reviewed the memos as they are attached to each of the resolutions that are about to pass and believes they are more than satisfactory in clearing up the confusion that he had. Chairman Schad agrees.

**VOTE**

Ayes: Two; Commrs. Schad and Carney

Noes: None

**T-6            AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH GREENMAN-PEDERSEN, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES FOR THE DESIGN AND CONSTRUCTION OF WATER SYSTEM IMPROVEMENTS IN THE VILLAGE OF DEPEW AND TOWN OF WEST SENECA, NEW YORK, IDENTIFIED AS CONTRACT NO. GP-007, PROJECT NO. 201800080 (ITEM NO. 4 5/31/18)**

Motion by Mr. Carney seconded by Mr. Schad

**DISCUSSION**

See Discussion in Unfinished Business T-6

**VOTE**

Ayes: Two; Commrs. Schad and Carney

Noes: None

**T-7            AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH CLARK**

06/14/18

**PATTERSON LEE TO PROVIDE CONSULTING ENGINEERING SERVICES FOR THE DESIGN AND CONSTRUCTION OF WATER SYSTEM IMPROVEMENTS IN THE TOWN OF CLARENCE, NEW YORK, IDENTIFIED AS CONTRACT NO. CPL-004, PROJECT NO. 201800079 (ITEM NO. 5 5/31/18)**

Motion to remove from table, subject to Addendum 1 in item 7 in the meeting of June 14, 2018, by Mr. Carney seconded by Mr. Schad

**DISCUSSION**

See Discussion in Unfinished Business T-6

**VOTE**

Ayes: Two; Commrs. Schad and Carney

Noes: None

**T-7 AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH CLARK PATTERSON LEE TO PROVIDE CONSULTING ENGINEERING SERVICES FOR THE DESIGN AND CONSTRUCTION OF WATER SYSTEM IMPROVEMENTS IN THE TOWN OF CLARENCE, NEW YORK, IDENTIFIED AS CONTRACT NO. CPL-004, PROJECT NO. 201800079 (ITEM NO. 5 5/31/18)**

Motion by Mr. Carney seconded by Mr. Schad

**DISCUSSION**

See Discussion in Unfinished Business T-6

**VOTE**

Ayes: Two; Commrs. Schad and Carney

Noes: None

**T-8 AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH WENDEL WD ARCHITECTURE, ENGINEERING, SURVEYING, AND LANDSCAPE ARCHITECTURE, P.C. TO PROVIDE CONSULTING ENGINEERING SERVICES FOR THE DESIGN AND CONSTRUCTION OF WATER SYSTEM IMPROVEMENTS IN THE TOWN OF AMHERST, NEW YORK, IDENTIFIED AS CONTRACT NO. W-030, PROJECT NO. 201800074 (ITEM NO. 6 5/31/18)**

Motion to remove from table, subject to Addendum 1 in item 8 in the meeting of June 14, 2018, by Mr. Carney seconded by Mr. Schad

**DISCUSSION**

See Discussion in Unfinished Business T-6

**VOTE**

Ayes: Two; Commrs. Schad and Carney

Noes: None

- T-8      AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH WENDEL  
WD ARCHITECTURE, ENGINEERING, SURVEYING, AND LANDSCAPE  
ARCHITECTURE, P.C. TO PROVIDE CONSULTING ENGINEERING  
SERVICES FOR THE DESIGN AND CONSTRUCTION OF WATER  
SYSTEM IMPROVEMENTS IN THE TOWN OF AMHERST, NEW YORK,  
IDENTIFIED AS CONTRACT NO. W-030, PROJECT NO. 201800074 (ITEM  
NO. 6 5/31/18)**

Motion by Mr. Carney seconded by Mr. Schad

**DISCUSSION**

See Discussion in Unfinished Business T-6

**VOTE**

Ayes: Two; Commrs. Schad and Carney

Noes: None

- T-9      AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH WM.  
SCHUTT & ASSOCIATES TO PROVIDE CONSULTING ENGINEERING  
SERVICES FOR THE DESIGN AND CONSTRUCTION OF THE  
REPLACEMENT OF LARGE VALVES IN THE TOWNS OF ALDEN,  
AMHERST, CHEEKTOWAGA, HAMBURG AND WEST SENECA AND  
CITY OF LACKAWANNA, NEW YORK, IDENTIFIED AS CONTRACT NO.  
WSA-013, PROJECT NO. 201800081 (ITEM NO. 7 5/31/18)**

Motion to remove from table, subject to Addendum 1 in item 9 in the meeting of June 14, 2018, by Mr. Carney seconded by Mr. Schad

**DISCUSSION**

See Discussion in Unfinished Business T-6

**VOTE**

Ayes: Two; Commrs. Schad and Carney

Noes: None



- T-9 AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH WM. SCHUTT & ASSOCIATES TO PROVIDE CONSULTING ENGINEERING SERVICES FOR THE DESIGN AND CONSTRUCTION OF THE REPLACEMENT OF LARGE VALVES IN THE TOWNS OF ALDEN, AMHERST, CHEEKTOWAGA, HAMBURG AND WEST SENECA AND CITY OF LACKAWANNA, NEW YORK, IDENTIFIED AS CONTRACT NO. WSA-013, PROJECT NO. 201800081 (ITEM NO. 7 5/31/18)**

Motion by Mr. Carney seconded by Mr. Schad

**DISCUSSION**

See Discussion in Unfinished Business T-6

**VOTE**

Ayes: Two; Commrs. Schad and Carney

Noes: None

**VII. - NEW BUSINESS**

- ITEM 3 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH CHA CONSULTING, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES FOR THE DESIGN AND CONSTRUCTION OF WATER SYSTEM IMPROVEMENTS IN THE TOWN OF CHEEKTOWAGA, NEW YORK, IDENTIFIED AS CONTRACT NO. CH-010, PROJECT NO. 201800075**

Motion by Mr. Carney seconded by Mr. Schad

**DISCUSSION**

Ms. Murphy explained that this contract lines up with Item 10 on the agenda. The same problem in this item was presented with the four contracts from the last board meeting based on Vice Chairman Carney's concern. A correcting addendum has been attached. Ms. Murphy recommends voting on item 3 and item 10 together. Chairman Schad stated that the full contract is conditioned upon execution of the addendum.

**VOTE**

Ayes: Two; Commrs. Schad and Carney

Noes: None

- ITEM 4 - AWARD OF CONTRACT TO CONTROL CHEM CANADA LTD. FOR THE FURNISHING AND DELIVERING OF HYDROFLUOROSILICIC ACID TO THE ERIE COUNTY WATER AUTHORITY FOR USE IN THE TREATMENT OF WATER FOR TWO YEARS FROM MARCH 15, 2018**

**THROUGH MARCH 14, 2020, PROJECT NO. 201800015 - \$527,680.00**

Motion by Mr. Carney seconded by Mr. Schad

**DISCUSSION**

Chairman Schad asked how soon can we get a delivery. John Mogavero replied that contracts will be sent then once returned a purchase order will go up. Vice Chairman Carney acknowledged that this product considerably more expensive than what we were buying but for the reasons we've stated we believe it is a good investment.

**VOTE**

Ayes: Two; Commrs. Schad and Carney

Noes: None

**ITEM 5 - AWARD OF CONTRACT TO FERGUSON ELECTRIC CONSTRUCTION CO., INC. FOR CONTRACT NO. NC-35, BALL PUMP STATION ELECTRICAL, PROJECT NO. 201600238 - \$5,094,600.00**

Motion by Mr. Carney seconded by Mr. Schad

**DISCUSSION**

Margaret Murphy informed the Board that Jackie Mattina will be drafting a letter signed by Russ Stoll to the bidder that we determined to be nonresponsive which is Frey Electric. Frey Electric sent a protest letter to us addressed to Mr. Schad and Ms. Mattina. The letter to Frey will basically say that we felt that they had not been responsive to the bidding documents. They did not provide us with the adequate description of their experiences in the area, but more importantly they had not provided us with the list of their major suppliers for purposes of us to check their credit worthiness. Those two things under the Fourth Department would be viewed as nonresponsive. Vice Chairman Carney reviewed the letter from Frey Electric and noted that it indicated that they believed that they had a miscalculation on their bid, and they believe that we should have for some reason caught their miscalculation and taken that into consideration. Chairman Schad thinks their view was that somehow, we should have fixed their error in which he strongly disagrees.

**VOTE**

Ayes: Two; Commrs. Schad and Carney

Noes: None

**ITEM 6 - APPROVAL OF ADDENDUM NO. 1 WITH GREENMAN-PEDERSEN, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES FOR THE**

**DESIGN AND CONSTRUCTION OF WATER SYSTEM IMPROVEMENTS  
IN THE VILLAGE OF DEPEW AND TOWN OF WEST SENECA, NEW  
YORK, IDENTIFIED AS CONTRACT NO. GP-007, PROJECT NO.  
201800080**

Motion by Mr. Carney seconded by Mr. Schad

**DISCUSSION**

None

**VOTE**

Ayes: Two; Commrs. Schad and Carney

Noes: None

**ITEM 7 - APPROVAL OF ADDENDUM NO. 1 WITH CLARK PATTERSON LEE TO  
PROVIDE CONSULTING ENGINEERING SERVICES FOR THE DESIGN  
AND CONSTRUCTION OF WATER SYSTEM IMPROVEMENTS IN THE  
TOWN OF CLARENCE, NEW YORK, IDENTIFIED AS CONTRACT NO.  
CPL-004, PROJECT NO. 201800079**

Motion by Mr. Carney seconded by Mr. Schad

**DISCUSSION**

None

**VOTE**

Ayes: Two; Commrs. Schad and Carney

Noes: None

**ITEM 8 - APPROVAL OF ADDENDUM NO. 1 WITH WENDEL WD  
ARCHITECTURE, ENGINEERING, SURVEYING, AND LANDSCAPE  
ARCHITECTURE, P.C. TO PROVIDE CONSULTING ENGINEERING  
SERVICES FOR THE DESIGN AND CONSTRUCTION OF WATER  
SYSTEM IMPROVEMENTS IN THE TOWN OF AMHERST, NEW YORK,  
IDENTIFIED AS CONTRACT NO. W-030, PROJECT NO. 201800074**

Motion by Mr. Carney seconded by Mr. Schad

**DISCUSSION**

None

**VOTE**

Ayes: Two; Commrs. Schad and Carney

Noes: None

**ITEM 9 - APPROVAL OF ADDENDUM NO. 1 WITH WM. SCHUTT & ASSOCIATES TO PROVIDE CONSULTING ENGINEERING SERVICES FOR THE DESIGN AND CONSTRUCTION OF THE REPLACEMENT OF LARGE VALVES IN THE TOWNS OF ALDEN, AMHERST, CHEEKTOWAGA, HAMBURG AND WEST SENECA AND CITY OF LACKAWANNA, NEW YORK, IDENTIFIED AS CONTRACT NO. WSA-013, PROJECT NO. 201800081**

Motion by Mr. Carney seconded by Mr. Schad

**DISCUSSION**

None

**VOTE**

Ayes: Two; Commrs. Schad and Carney

Noes: None

**ITEM 10 - APPROVAL OF ADDENDUM NO. 1 WITH CHA CONSULTING, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES FOR THE DESIGN AND CONSTRUCTION OF WATER SYSTEM IMPROVEMENTS IN THE TOWN OF CHEEKTOWAGA, NEW YORK, IDENTIFIED AS CONTRACT NO. CH-010, PROJECT NO. 201800075**

Motion by Mr. Carney seconded by Mr. Schad

**DISCUSSION**

See Discussion in Item 3

**VOTE**

Ayes: Two; Commrs. Schad and Carney

Noes: None

**ITEM 11 - APPROVAL OF AMENDMENT NO. 4 OF EMA, INC. FOR MANAGEMENT AND OPERATIONS ENHANCEMENTS, ASSISTANCE IN OPTIMIZING OPERATIONS AND MAINTENANCE, IDENTIFIED AS CONTRACT NO. EMA-003, PROJECT NO. 201400160 IN THE AMOUNT NOT TO EXCEED \$74,280.00 (T-10)**

Motion to table by Mr. Carney seconded by Mr. Schad

**DISCUSSION**

Vice Chairman Carney noted that his math did not add up to what they appear to be charging us. He noted we are flying two gentlemen in from Minnesota, where the company is located. The schedule looks like we are flying them 3 or 4 times to do 8 tests. He believes there has to be a simpler way to do this.

Chairman Schad added that a lot of issues were involved in EMA's initial analysis relative to how to become a modern operation. He believes we are moving in the right direction in modernization and the project needs to continue.

**VOTE**

Ayes: Two; Commrs. Schad and Carney

Noes: None

**ITEM 12 - APPROVAL OF AMENDMENT NO. 4 OF CHA CONSULTING, INC. FOR CONSULTING ENGINEERING SERVICES FOR THE DESIGN AND CONSTRUCTION OF WATER SYSTEM IMPROVEMENTS IN THE TOWNS OF WEST SENECA, CHEEKTOWAGA AND HAMBURG, VILLAGE OF BLASDELL AND CITY OF LACKAWANNA, NEW YORK, IDENTIFIED AS CONTRACT NO. CH-009 (CONTRACT D), PROJECT NO. 201700091 - \$74,200.00**

Motion by Mr. Carney seconded by Mr. Schad

**DISCUSSION**

None

**VOTE**

Ayes: Two; Commrs. Schad and Carney

Noes: None

**ITEM 13 - AUTHORIZATION TO GRANT LEAK ALLOWANCE REQUESTS - \$16,186.49**

Motion by Mr. Carney seconded by Mr. Schad

**DISCUSSION**

None

**VOTE**

Ayes: Two; Commrs. Schad and Carney

Noes: None

**ITEM 14 - AUTHORIZATION TO GRANT A ONE-TIME COURTESY REVERSAL OF DELINQUENT CHARGES FOR BRIAN KEARNS - \$1,648.04**

Motion by Mr. Carney seconded by Mr. Schad

**DISCUSSION**

None

**VOTE**

Ayes: Two; Commrs. Schad and Carney

Noes: None

**ITEM 15 - AUTHORIZATION TO GRANT A ONE-TIME COURTESY REVERSAL OF DELINQUENT CHARGES FOR EAGLECREST LIMITED PARTNERSHIP - \$757.23**

Motion by Mr. Carney seconded by Mr. Schad

**DISCUSSION**

None

**VOTE**

Ayes: Two; Commrs. Schad and Carney

Noes: None

**ITEM 16 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2018**

Motion by Mr. Carney seconded by Mr. Schad

**VOTE**

Ayes: Two; Commrs. Schad and Carney

Noes: None

**ITEM 17 - 2018-2019 INSURANCE-PROTECTION PROGRAM AND AUTHORIZATION TO PAY INSURANCE INVOICES**

Motion by Mr. Carney seconded by Mr. Schad

**DISCUSSION**

Vice Chairman Carney noted that it was his understanding that Lawley was going to have final numbers for the Board. Mr. Lichtenthal replied that the numbers are in the packet that the Commissioners received. Chairman Schad commented on what a great job Mr.

Alessi did. Mr. Lichtenthal added that it was also human resources, line maintenance, engineering and the plants that helped the costs turn the corner. Mr. Carney agreed - as Lawley reported last time during one of the inspection periods they could not believe how well our guys did everything right. There was absolutely no room for improvement, and that helps our ratings as well. Chairman Schad noted that training is the key.

**VOTE**

Ayes: Two; Commrs. Schad and Carney

Noes: None

**ITEM 18 - AUTHORIZATION TO RELEASE THE PHILLIPS LYTTLE RETAINER AGREEMENT AND BARCLAY DAMON INVOICES**

Motion by Mr. Carney seconded by Mr. Schad

**DISCUSSION**

Vice Chairman Carney wanted to make sure a nonredacted copy was being released. Messrs. McCracken and Schad both replied that he is correct. Commissioner Schad stated that it is our intention that the reform will continue and transparency will continue.

**VOTE**

Ayes: Two; Commrs. Schad and Carney

Noes: None

**ITEM 19 - SERVICE CONNECTION WORK ORDER LIST**

Motion by Mr. Carney seconded by Mr. Schad

**DISCUSSION**

None

**VOTE**

Ayes: Two; Commrs. Schad and Carney

Noes: None

Motion by Mr. Schad seconded by Mr. Carney and carried to convene an Executive Session to discuss Employment Contracts with Executive Director and Deputy Director pursuant to Public Officers Law §105(1)(f) (matters relating to the employment history of a particular person) and invited, along with Commissioners, Secretary McCracken, Associate Attorney Murphy and Comptroller Prendergast to attend the Executive Session. 10:20 a.m.

**DISCUSSION**

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None

**VOTE**

Ayes: Two; Commrs. Schad and Carney

Noes: None

Motion by Mr. Carney seconded by Mr. Schad carried to close Executive Session. 11:41 a.m.

**DISCUSSION**

None

**VOTE**

Ayes: Two; Commrs. Schad and Carney

Noes: None

Motion by Mr. Schad seconded by Mr. Carney and carried to declare, on advice of counsel, that the Executive Director's employment contract of January 11, 2018 is void and voided on the basis that it violates the term limits doctrine as a matter of public policy.

**DISCUSSION**

None

**VOTE**

Ayes: Two; Commrs. Schad and Carney

Noes: None

Motion by Mr. Schad seconded by Mr. Carney and carried to declare, on advice of counsel, that the Deputy Director's employment contract of April 6, 2017 is void and voided on the basis that it violates the term limits doctrine as a matter of public policy.

**DISCUSSION**

None

**VOTE**

Ayes: Two; Commrs. Schad and Carney

Noes: None

Motion by Mr. Schad seconded by Mr. Carney and carried that the Executive Director's services are terminated effective at the end of the day today. Mr. Jann was thanked for his service.

06/14/18



**DISCUSSION**

None

**VOTE**

Ayes: Two; Commrs. Schad and Carney

Noes: None

Chairman Schad announced that the Governance Committee will hold a special meeting to be held on June 20, 2018 at 6:00 p.m. at the Ellicott Square offices to discuss the topic of a possible contract with the Deputy Director. There will be an executive session to talk to counsel for the purposes of that meeting. Also, the meeting on June 28, 2018 normally scheduled at 9:30 a.m. will begin at 8:30 a.m.

**VIII. - ADJOURNMENT**

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

**DISCUSSION**

None

**VOTE**

Ayes: Two; Commrs. Schad and Carney

Noes: None



Terrence D. McCracken  
Secretary to the Authority

PF