

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 30th day of August 2018.

PRESENT: Jerome D. Schad, Chairman
Mark S. Carney, Vice Chairman
E. Thomas Jones, Treasurer
Terrence D. McCracken, Secretary to the Authority
Margaret A. Murphy, Attorney
Robert J. Lichtenthal, Jr. Deputy Director
Russell J. Stoll, Executive Engineer
John J. Mogavero, Chemist/Chief WTPO
Joseph T. Burns, Deputy Administrative Director
Karen A. Prendergast, Comptroller
Daniel J. NeMoyer, Director of Human Resources
Michael Haendiges, Production Engineer

ATTENDEES: Emily Lampa, WGRZ
Charles Moore, WGRZ

CALL TO ORDER AT 8:10 A.M.

PLEDGE TO THE FLAG

I. - ROLL CALL

II. - READING OF MINUTES

Motion by Mr. Carney seconded by Mr. Jones and carried to waive the reading of the Minutes of the Meeting held on Thursday, August 16, 2018.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

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, August 16, 2018.

DISCUSSION

08/30/18

466

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

IV. – REPORTS

SECRETARY

No Report

LEGAL

No Report

FISCAL

1. Maxtrix Imaging Solutions Contract Extension

Robert Lichtenthal informed the Board that the current contract with Matrix Imaging Solutions will expire December 31, 2018. Matrix provides bill presentation services, printing and mailing of collection notices, meter postcards, backflow prevention and meter change notices. He noted that Matrix has requested a one-year extension per the terms of the contract, and he recommends extending the contract for another year. The Board agreed. Mr. Lichtenthal will have a resolution at the next meeting to extend the contract.

OPERATIONS

1. NYSDOT Mill & Overlay Project RT 5

Russell Stoll informed the Board that the NYSDOT contacted the Authority in May to inform the Authority that they were planning a paving project on Route 5 in Hamburg and Lackawanna scheduled for 2020. The DOT asked if the Authority would be interested in doing any watermain replacements or repairs in that project area. Mr. Stoll added that this section of pipe has experienced joint leaks over the years. He explained that the other option is to excavate each joint and clamp them back together. He believes there would be a benefit to do the replacement because the Authority would save on restoration costs and it would prevent excavating a newly paved road to repair a watermain leak. The Board agreed to repair the main.

2. Waterline Protection Programs

08/16/18

Mr. Lichenthal distributed a memo regarding waterline protection programs. He explained there are various companies which offer, through various vehicles, the ability for an individual customer to purchase insurance coverage for their portion of the water service from the curb stop into their house. Over the past few years the Authority has been approached by these companies asking the Authority to offer their products and to partner with them, etc. Deputy Director Lichtenthal noted that staff has met with these companies and suggests preparing an RFP giving these companies the opportunity to come back and say, "here is what we would like to do for you." Vice Chairman Carney voiced that he is not comfortable in partnering or promoting any other insurance or other coverage to the Authority's customers. Commissioner Jones agreed. Chairman Schad discussed the possibility of issuing an RFP to explore if there is any viability by doing this. Commissioner Jones feels that this is outside the scope of the Authority's mission. Mr. Lichtenthal was asked to inform these companies that the Board is not interested.

HUMAN RESOURCES

No Report

AUDIT COMMITTEE

1. Summary of 8/16/18 Audit Committee Meeting

Commissioner Schad gave a summary of the August 16, 2018 Audit Committee meeting.

GOVERNANCE COMMITTEE

1. Summary of 8/16/18 Governance Committee Meeting

Commissioner Schad gave a summary of the August 16, 2018 Governance Committee meeting.

FINANCE COMMITTEE

No Report

ETHICS BOARD

No Report

V. - COMMUNICATIONS AND BILLS

Commissioner Jones stated that he believes all notice of claims, letters from rate payers and FOILs should be included under Communications and Bills, and Vice Chairman concurred. Chairman Schad added that general complaint letters and lawsuits should be included. After further discussion, it was agreed to include the above categories subject to an opinion from the Legal Department with a guideline protocol as to what wouldn't be on the list.

ITEM 1 - CREATION AND/OR AMENDMENT OF MASTER PURCHASE ORDERS

Motion by Mr. Carney seconded by Mr. Schad

DISCUSSION

Commissioner Jones inquired as to what the difference is between Item 1 Creation and/or Amendment of Master Purchase Orders and Item 2 Master Purchase Order Releases, Purchase Orders and Purchase Order Amendments. Karen Prendergast replied that the creation is originated from the Administration office where the Director of Administration approves and reviews them. Item 2 is strictly for direct purchases. Ms. Prendergast assured Commissioner Jones that she has approved and reviewed the master purchase orders that have been certified by the Administration office. Commissioner Jones then asked for some clarification on a couple of the purchase orders regarding a vendor's time frame for submitting payment. Vice Chairman Carney asked that Legal review the Authority's contracts and tighten them up. Margaret Murphy noted that she will review any open contracts to see if there is any provision requiring a contractor to submit final payment within a certain time period. Ms. Murphy will also meet with the Engineering department for their input and will subsequently prepare a staff memo for the Board.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

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

Motion by Mr. Carney seconded by Mr. Jones

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 3 – FOIL FROM GLENDA AND JIM TARAMASCO – REFER TO LEGAL**VI. - UNFINISHED BUSINESS**

**T-12 TERMINATION OF PROFESSIONAL SERVICES CONTRACT WITH
HARTER SECREST & EMERY LLP (ITEM NO. 4 8/2/18)**

VII. - NEW BUSINESS

**ITEM 4 - FINAL ACCEPTANCE OF PROJECT WITH O'CONNELL ELECTRIC
COMPANY, INC. FOR HIGH VOLTAGE, SERVICE, SWITCHGEAR
INSPECTION AND EMERGENCY ELECTRICAL WORK WITHIN THE
ERIE COUNTY WATER AUTHORITY'S FACILITIES FOR A PERIOD OF
TWO YEARS FROM JUNE 1, 2014 THROUGH MAY 31, 2016, PROJECT
NO. 201400057, IDENTIFIED AS CONTRACT NO. 14-16-06 - \$117,105.23**

Motion by Mr. Carney seconded by Mr. Schad

DISCUSSION

Commissioner Jones inquired if the Comptroller has reviewed this payment in which Comptroller Prendergast assured him she has.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 5 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH ARCADIS
TO PROVIDE CONSULTING ENGINEERING SERVICES FOR THE ERIE
COUNTY WATER AUTHORITY'S CAPITAL IMPROVEMENT PROGRAM
FOR BALL PUMP STATION, PROJECT NO. 201800137, IDENTIFIED AS
CONTRACT NO. MP-080**

Motion by Mr. Carney seconded by Mr. Schad to approve the agreement

DISCUSSION

Commissioner Jones asked if the Comptroller has had an opportunity to review this contract. Comptroller Prendergast replied that she has, and the project has been included in the budget.

Motion by Mr. Jones to amend the resolution conditioning the authorization of the agreement upon the Comptroller's final approval, seconded by Mr. Carney.

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

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VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

On the motion as amended,

DISCUSSION

None

VOTE ON RESOLUTION AS AMENDED

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 6 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH GHD TO PROVIDE CONSULTING ENGINEERING SERVICES FOR THE ERIE COUNTY WATER AUTHORITY'S GUENTHER PUMP STATION REHABILITATION, PROJECT NO. 201800138, IDENTIFIED AS CONTRACT NO. GHD-007

Motion by Mr. Carney seconded by Mr. Schad to approve the agreement

DISCUSSION

Commissioner Jones asked if the Comptroller has had an opportunity to review this contract. Comptroller Prendergast replied that she has reviewed this contract.

Motion by Mr. Jones to amend the resolution conditioning the authorization of the agreement upon the Comptroller's final approval, 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,

DISCUSSION

None

VOTE ON RESOLUTION AS AMENDED

08/16/18

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

ITEM 7 - AUTHORIZATION TO AMEND THE SHORT FORM TOWER LICENSE AGREEMENT WITH GLOBAL SIGNAL ACQUISITIONS II LLC IN CONNECTION TO ALLOW THE AUTHORITY TO LEASE TOWER SPACE ON A CERTAIN PARCEL OF PROPERTY LOCATED IN THE TOWN OF HAMBURG, NEW YORK, PROJECT NO. 201400160

Motion by Mr. Carney seconded by Mr. Jones

DISCUSSION

Vice Chairman Carney asked for clarification on this resolution. Attorney Murphy explained that the two original contracts had two different start dates and would like the correct start date clarified. Also included in the amendment were some changes to the modification of equipment paragraph made by Global. She noted that Mr. Stoll has reviewed these changes and finds them acceptable.

VOTE

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

ITEM 8 - AUTHORIZATION TO ACCEPT THE CONSTRUCTION AND INSTALLATION OF 140 LINEAR FEET OF EIGHT (8") INCH DIP, 20 LINEAR FEET OF SIX (6") INCH DIP AND 1,560 LINEAR FEET OF EIGHT (8") INCH C-900 WATERMAIN, ONE (1) HYDRANT, SEVEN (7) VALVES AND APPURTENANCES IN PLEASANT CREEK DEVELOPMENT PHASE 2, TOWN OF HAMBURG, NEW YORK, PROJECT NO. 201500069, EC NO. 6978

Motion by Mr. Carney seconded by Mr. Jones

DISCUSSION

Vice Chairman Carney questioned why there was a discrepancy in the resolution's language regarding the number of hydrants and valves. It was explained that the original number of hydrants and valves needed for the project was just an estimate. When the project is complete, the Authority receives a Bill of Sale and Schedule of Inventory listing the actual number of hydrants and valves. A discussion was held regarding dates and language in the maintenance bond. Ms. Murphy noted that she will have Tony Alessi review the bond to make sure it is in order. Chairman Schad asked why the resolution states that it is approved contingent upon review and approval of the Legal department. Ms. Murphy explained that she would like David Mineo or Ronald Bennett review this to ensure that everything is in order to accept the project.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 9 - AUTHORIZATION TO APPOINT ONE (1) NON-VOTING AD HOC MEMBER TO THE ECWA AUDIT COMMITTEE

Motion by Mr. Carney seconded by Mr. Schad

DISCUSSION

Commissioner Jones asked why an Ad Hoc member is being appointed to the committee. Ms. Murphy answered that this will give Mr. McCracken the authority to sign the engagement letter submitted by Drescher & Malecki.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 10 - APPROVAL OF AMENDMENT NO. 2 OF DRESCHER & MALECKI LLP TO PROVIDE PROFESSIONAL ACCOUNTING SERVICES IN CONNECTION WITH THE EXAMINATION OF THE AUTHORITY'S FINANCIAL STATEMENTS FOR THE YEARS ENDING DECEMBER 31, 2014, 2015 AND 2016 AND SUBMITTING THE AUTHORITY'S FINANCIAL STATEMENTS/ REPORTS TO THE GOVERNMENT FINANCE OFFICERS ASSOCIATION FOR CONSIDERATION OF RECEIVING THE CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING, PROJECT NO. 201400193

Motion by Mr. Carney seconded by Mr. Jones

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 11 - APPROVAL OF CREDIT CHANGE ORDER NO. 3 OF KAMAN AUTOMATION, CONTROL & ENERGY FOR CONTRACT NO. EMA-03A, DISTRIBUTION SCADA REPLACEMENT, PROJECT NO. 201400160,

CONTRACT NO. 16-16-07 - \$155.00

Motion by Mr. Carney seconded by Mr. Schad

DISCUSSION

Commissioner Jones asked for an explanation on this change order. Michael Haendiges described in detail the reasons for the change order relative to the scope of the contract, unforeseen additional work, necessary safety features, etc.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 12 - APPROVAL OF CHANGE ORDER NO. 1 OF FERGUSON ELECTRIC CONSTRUCTION CO., INC. FOR CONTRACT NO. NC-35, BALL PUMP STATION ELECTRICAL, PROJECT NO. 201600238, CONTRACT NO. 18-19-07

Motion by Mr. Jones seconded by Mr. Carney

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 13 - REFUND FOR NEW SERVICE INSTALLATIONS - \$25,835.26

Motion by Mr. Jones seconded by Mr. Carney

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 14 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2018

Motion by Mr. Carney seconded by Mr. Jones

DISCUSSION

Chairman Schad confirmed with Mr. Licthenthal that this budget amendment is necessary in order to assure the state the Authority will finish the project as long as the Authority has the money.

VOTE

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

ITEM 15 – NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) DETERMINATION RELATIVE TO 36-INCH TRANSMISSION MAIN REPLACEMENT PROJECT IN THE TOWN OF AMHERST, NEW YORK, IDENTIFIED AS CONTRACT NO. W-030, PROJECT NO. 201800074

Motion by Mr. Carney seconded by Mr. Jones

DISCUSSION

None

VOTE

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

ITEM 16 – AUTHORIZATION TO SUBMIT THE NYS WATER INFRASTRUCTURE IMPROVEMENT ACT GRANT PACKAGES TO THE NEW YORK STATE DEPARTMENT OF HEALTH, ENVIRONMENTAL FACILITIES CORP.

Motion by Mr. Carney seconded by Mr. Jones

DISCUSSION

Chairman Schad noted that he is optimistic that the Authority is going to financially benefit from this.

VOTE

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

ITEM 17 - SERVICE CONNECTION WORK ORDER LIST

Motion by Mr. Carney seconded by Mr. Jones

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

VIII. - ADJOURNMENT

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None



Terrence D. McCracken
Secretary to the Authority

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