

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 4th day of October 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

ATTENDEES: **Brian Gould**

CALL TO ORDER AT 10:05 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, September 20, 2018.

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 Thursday, September 20, 2018.

DISCUSSION

Margaret Murphy noted that the date of the minutes was incorrect.

Motion by Mr. Carney to amend the Minutes of the Meeting held on Thursday, September 20, 2018 to reflect the correct date of September 20, 2018 in the heading of the Minutes, seconded by Mr. Jones.

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. – REPORTS

SECRETARY

1. Lobbying RFP

Secretary McCracken advised the Board that responses came back for the Government Relations and Lobbying Services RFP, in which a committee consisting of himself, Deputy Director Robert Lichtenthal, Comptroller Karen Prendergast, Director of Human Resources Daniel NeMoyer and Attorney Margaret Murphy will review the responses. Commissioner Jones requested a copy of the responses preferably by next meeting. Commissioners Schad and Carney also asked for a copy.

2. Web Design

Ms. Murphy informed the Board that she and Secretary McCracken are recommending the Authority enter into an agreement with Ingenious, Inc. for the design and development of the

Authority's website. Ms. Murphy distributed a draft copy of the agreement for Commissioners' review. However, there are two items in the proposed agreement regarding the use of pre-existing materials that Joseph Murphy (President of Ingenious) would like to review with his attorney James Smyton of counsel to Phillips Lytle LLP. Ms. Murphy added that Mr. Smyton has requested a conflict waiver from the Authority. If the Commissioners agree to the agreement and waiver, Ms. Murphy will give Mr. Smyton a certified copy of the resolution and move forward with negotiating the agreement and finalize. The Commissioners agreed to giving Phillips Lytle LLP this waiver.

3. Board Meeting Schedule

Secretary McCracken distributed the board meeting calendar for November and December. He informed the Board that the meeting of November 15th will be held at the Service Center due to the employee service awards. Mr. McCracken also pointed out that there is a board meeting tentatively scheduled during the week of Christmas if the Commissioners desire to change the meeting date. Commissioner Carney advised that he will check his calendar and advise the Board of his schedule for that week. Mr. McCracken was then asked to prepare a tentative board meeting schedule for the entire year of 2019.

Secretary McCracken reminded the Commissioners that the budget hearings will be held on October 16th starting at 9 a.m. and October 18th immediately following the board meeting. Vice Chairman Carney inquired as to the length of the meetings for purposes of adjusting his schedule and was told it will most likely take all day. Commissioner Jones requested a printed copy of the budget prior to the hearings. A discussion was then held on whether the public can speak at these hearings and, if so, which meeting.

Secretary McCracken informed the Board that he received an informal invite from Tim Callan, Chief of Staff at the Erie County Legislature for the Commissioners and Robert Lichtenthal attend the Erie County Legislature's Energy and Environment Committee meeting on October 11, 2018 at 9:30 a.m. The purpose of the invite is for the Authority to update the Committee on the Authority's steps and actions taken in the past several months. A discussion was held as to which staff should attend. Ms. Murphy offered to draft a report for this meeting.

Secretary McCracken then gave the Board an update on the Executive Director search. It has been narrowed down to five perspective candidates. Mr. McCracken, Karen Prendergast, Margaret Murphy and Robert Lichtenthal will be interviewing all five candidates on October 9th via videoconference (all but one). These interviews will also be videotaped so the Commissioners can review and make a recommendation. It was decided that it would be best if the Commissioners' interviews were held on November 1st.

LEGAL

No Report

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FISCAL

No Report

OPERATIONS

Commissioner Jones asked for an update relative to incident reports. Mr. Lichtenthal informed the Board that he is working on preparing the report and has requested data which will need to be organized once received. He explained that since some municipalities have changed the type of service they receive from the Authority (bulk sale, lease managed or direct serve), it is important to make sure the data leak history comparison is “apples to apples” before he can submit a report.

HUMAN RESOURCES

No Report

AUDIT COMMITTEE

No Report

GOVERNANCE COMMITTEE

1. Summary of 9/20/18 Governance Committee Meeting

Commissioner Schad gave a summary of the September 20, 2018 Governance Committee meeting.

FINANCE COMMITTEE

No Report

ETHICS BOARD

No Report

10/04/18

V. - COMMUNICATIONS AND BILLS

ITEM 1 - 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 2- FOIL REQUEST FROM JENNIFER HARRIS OF BLUESTONE ENVIRONMENTAL GROUP

Motion by Mr. Carney seconded by Mr. Schad to accept and refer to Secretary and Legal

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 3 - THIRD PARTY COMPLAINT

Motion by Mr. Jones seconded by Mr. Schad to accept and refer to Legal

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 4 – NOTICE OF CLAIM

Motion by Mr. Jones seconded by Mr. Schad to accept and refer to Legal

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

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 5 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICE
CONTRACT FOR WEBSITE DESIGN AND DEVELOPMENT WITH
INGENIOUS, INC.**

Motion by Mr. Carney seconded by Mr. Jones

DISCUSSION

Commissioner Jones stated that this agreement includes the conflict waiver with Phillips Lytle LLP.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 6 - AUTHORIZATION TO ENTER INTO AMENDMENT NO. 2 TO THE BULK
SALES AGREEMENT BETWEEN THE TOWN OF BENNINGTON AND
THE ERIE COUNTY WATER AUTHORITY**

Motion by Mr. Carney seconded by Mr. Schad

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 7 - AWARD OF CONTRACT TO RITEC ENTERPRISES, INC. FOR THE FURNISHING AND DELIVERING OF FILTER EXPANSION METERS FOR STURGEON POINT WATER TREATMENT PLANT AND VAN DE WATER WATER TREATMENT PLANT, PROJECT NO. 201800108 - \$65,808.00

Motion by Mr. Carney seconded by Mr. Schad

DISCUSSION

Commissioner Jones remarked that he noticed the Director of Administration or someone in his absence did not sign off on the blue authorization form for the award of contract and asked who is checking compliance. It was requested that in Mr. Riester's absence someone act in that position. Margaret Murphy was asked to sign for the Director of Administration as well as Legal. It was noted that Ms. Mattina may as well.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 8 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE FURNISHING, DELIVERING AND INSTALLING OF ONE (1) TWO-STAGE BASIC COMPRESSOR FOR VAN DE WATER SLUDGE PLANT, PROJECT NO. 201800212

Motion by Mr. Carney seconded by Mr. Schad

DISCUSSION

Commissioner Jones asked if a consultant prepared the bid or was this prepared in-house. Russell Stoll informed Mr. Jones that this was done in-house.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 9 - RATIFICATION OF THE INSTALLATION OF HYDRANTS AND VALVES AND RETIREMENT OF EXISTING HYDRANTS AND VALVES - VARIOUS LOCATIONS

Motion by Mr. Carney seconded by Mr. Schad

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 10 - AUTHORIZATION TO ENTER INTO A LIMITED AGENCY APPOINTMENT ADDENDUM WITH OFFICIAL PAYMENTS CORPORATION (SUCCESSOR-IN-INTEREST TO ONLINE RESOURCE CORPORATION AND PRINCETON eCOM CORPORATION) FOR ONLINE PAYMENT PROCESSING

Motion by Mr. Carney seconded by Mr. Jones

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 11 - AUTHORIZATION FOR THE CHAIRMAN TO EXECUTE STANDARDIZED AGREEMENTS FOR DOMESTIC SERVICE, PRIVATE FIRE PROTECTION, COMBINED DOMESTIC SERVICE/PRIVATE FIRE PROTECTION, HYDRANT RELOCATION, MAIN EXTENSION (OWNER-OCCUPANT), AND TEMPORARY OR OCCASIONAL SERVICE AGREEMENT

Motion by Mr. Carney seconded by Mr. Jones

DISCUSSION

Commissioner Jones questioned if the Board is only approving this as to form. Ms. Murphy advised that this resolution refers to standardized agreements only. However, there are certain agreements that must go through the meeting but these particular agreements are not required. Therefore, this resolution is giving the Chairman authorization to sign as to form.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 12 - AUTHORIZATION TO AMEND POLICY NO. 75 OF THE EMPLOYEE POLICY AND PROCEDURES MANUAL ON AN INTERIM BASIS UNTIL SUCH TIME AS A FINAL POLICY IS APPROVED BY THE BOARD OF COMMISSIONERS OF THE ERIE COUNTY WATER AUTHORITY

Motion by Mr. Carney seconded by Mr. Jones

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 13 - SERVICE CONNECTION WORK ORDER LISTS

Motion by Mr. Carney seconded by Mr. Schad

DISCUSSION

None

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

VIII. - ADJOURNMENT

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None



Terrence D. McCracken
Secretary to the Authority