

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 18th 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
Sandra Tan

CALL TO ORDER AT 9:55 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, October 4, 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, October 4, 2018.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

IV. – REPORTS**SECRETARY**

1. 2019 Tentative Board Meeting Calendar

The proposed 2019 board meeting calendar was given to the Board for their review. Commissioner Jones asked that the May 2, 2019 meeting be moved to May 6, 2019. Chairman Schad noted that the Annual meeting will also be held on this date. All other dates were fine with the Commissioners. It was noted that there is a tentative meeting the day after Christmas which might need to be changed at a future date.

2. Executive Session - Discussion of Executive Director

Candidates pursuant to Public Officers Law §105(1)(f)
(matters leading to employment)

LEGAL

Attorney Murphy distributed a draft response to the letter received by Charles Sauberan. It was decided to bring this back to the board at the next meeting.

1. 2016-2017 FOIL Audit

Attorney Murphy distributed a FOIL Audit for the calendar years 2016-2017. Ms. Murphy explained how she determined if a FOIL “passed” or “failed”. There were 15 failed files in 2016 and 5 failed files in 2017. These were considered failed because they either had information showing non-compliance with FOIL requirements or lack information to show FOIL compliance. Chairman Schad asked that Ms. Murphy makes sure everything is being tracked. Ms. Murphy informed the Board that the Legal department has implemented a new FOIL protocol to handle and respond to FOIL requests. Commissioner Jones asked if the Authority is still using a PR firm to deal with FOIL requests. Ms. Murphy assured him that is not happening anymore. The Board requested that Ms. Murphy submit a FOIL Audit to the Board on a quarterly basis.

FISCAL

1. RFP – Microwave Radio Maintenance Services

Deputy Director Lichtenthal distributed a draft RFP for Microwave Radio Maintenance Services and requested permission to bring this before the Board at the next meeting. This maintenance covers the link between Ellicott Square and the Service Center. The current maintenance contract expires on 12/31/18. Vice Chairman Carney noted that the draft RFP doesn't reference security. He would like included in the RFP that the firm must provide the Authority with proof of their cyber security insurance. The Board granted Bob permission to put on as a resolution at the next Board meeting

2. September 2018 Investment Report

Mr. Lichtenthal distributed the September 2018 Investment report. Mr. Lichtenthal noted the budget continues to move due to uptick in rates.

3. Monthly Financial Report – September 2018

Steven D'Amico distributed the September 2018 Monthly Financial report. This report includes operating revenue, investment income, operating expense and net income. Chairman Schad asked if the expense variance is going to minimize. Steven D'Amico replied that it will most likely stay the same.

OPERATIONS

No Report

HUMAN RESOURCES

No Report

AUDIT COMMITTEE

No Report

GOVERNANCE COMMITTEE

1. Summary of 10/4/18 Governance Committee Meeting

Commissioner Schad gave a summary of the October 4, 2018 Governance Committee meeting.

VIII. FINANCE COMMITTEE

No Report

IX. ETHICS BOARD

No Report

V. - COMMUNICATIONS AND BILLS

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

Motion by Mr. Carney seconded by Mr. Jones

DISCUSSION

None

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 – LETTER FROM DONALD PUCCIO**DISCUSSION**

Secretary McCracken reported to the Board that he spoke with Mr. Puccio and informed him that his line is an 8” PVC and not a 6” cast iron. He explained to Mr. Puccio the water that flows through an 8” line is nearly double the water that flows through a 6” line. Mr. McCracken was also able to send out a crew to flush the hydrant to make sure the pipe was clear.

ITEM 4 – FOIL REQUEST FROM DOLCE PANEPINTO P.C. AND FOIL REQUEST FROM SHELLY HARBERT**ITEM 5 – ECWA INVITATION TO ERIE COUNTY LEGISLATURE ENERGY & ENVIRONMENT COMMITTEE**

Motion by Mr. Jones seconded by Mr. Schad to receive and file

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 6 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR SMALL SERVICES CONTRACT AREA #1, FEBRUARY 1, 2019 THROUGH JANUARY 31, 2021, PROJECT NO. 201900003**

Motion by Mr. Carney seconded by Mr. Schad

DISCUSSION

None

VOTE

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

**ITEM 7 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR SMALL SERVICES
CONTRACT AREA #2, FEBRUARY 1, 2019 THROUGH JANUARY 31, 2021,
PROJECT NO. 201900004**

Motion by Mr. Carney seconded by Mr. Jones

DISCUSSION

Chairman Schad asked Russell Stoll to clarify the section that area #1 covers and the section that area #2 covers. Mr. Stoll replied that area #1 is the northern part of Erie County and area #2 is the southern part.

VOTE

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

**ITEM 8 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR LARGE SERVICES
CONTRACT, FEBRUARY 1, 2019 THROUGH JANUARY 31, 2021,
PROJECT NO. 201900005**

Motion by Mr. Carney seconded by Mr. Jones

DISCUSSION

Vice Chairman Carney asked if we intend to address the issues/language relative to change orders, contracts RFPs, etc. Ms. Murphy informed Commissioner Carney that she along with Karen Prendergast and Lavonya Lester are looking over the current procurement guidelines and will be amending it - adding more detail. Also, these new guidelines will be posted on the website.

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. Jones

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 10 - 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

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 11 - AUTHORIZATION TO ADOPT THE ERIE COUNTY WATER AUTHORITY OPEN MEETINGS LAW POLICY & PROCEDURES FOR ACCESSING PUBLIC MEETINGS

Motion by Mr. Carney seconded by Mr. Jones

DISCUSSION

Chairman Schad remarked that he believes that this is a good policy.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

Motion by Mr. Schad seconded by Mr. Carney and carried to recess at 10:41 a.m.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

Motion by Mr. Schad seconded by Mr. Carney and carried to reconvene the regular meeting at 10:50 a.m.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

Motion by Mr. Schad seconded by Mr. Carney and carried to enter an Executive Session to discuss Executive Director resumes pursuant to Public Officers Law §105(1)(f) (matters leading to employment) and invited, along with Commissioners, Secretary McCracken, Margaret Murphy, Robert Lichtenthal and Karen Prendergast and Daniel NeMoyer at 10:51 a.m.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

Motion by Mr. Carney seconded by Mr. Jones and carried to close Executive Session at 11:42 a.m.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

Chairman Schad advised that the Board has given direction to executive staff to follow up on the Executive Director search. The Board has narrowed it down to two candidates. Staff will reach out to candidates and hope to interview on November 1, 2018.

VIII. - ADJOURNMENT

Motion by Mr. Carney seconded by Mr. Jones carried that the meeting adjourns at 11:45 a.m.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

A handwritten signature in black ink, appearing to read 'T. D. McCracken', with a stylized flourish at the end.

Terrence D. McCracken
Secretary to the Authority

PF