

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 2nd 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
Paul H. Riestler, Director of Administration
John J. Mogavero, Chemist/Chief WTPO
Joseph J. Burns, Deputy Administrative Director
Ronald P. Bennett, Associate Attorney

ATTENDEES: Michael Mroziak, WBFO

CALL TO ORDER AT 9:50 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, July 19, 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, July 19, 2018.

DISCUSSION

Commissioner Jones noted that he was not present at the meeting but had an opportunity to listen to the tape.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

Motion to accept late filing of Item 18 by Mr. Carney seconded by Mr. Schad

Motion to take Item 18 out of order by Mr. Carney seconded by Mr. Schad

ITEM 18 - ELECTION OF TREASURER

Motion by Mr. Carney seconded by Mr. Schad

DISCUSSION

Commissioner Jones questioned when the cut-off date is for submitting items for the agenda. Commissioners Schad and Carney reassured Mr. Jones that for the purposes of transparency nothing is to come in last minute.

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None; Commissioner Jones abstained

IV. – REPORTS

SECRETARY

1. RFP – Lobbying Services

Secretary McCracken informed the Board that there will be a resolution at the next meeting for Lobbying services.

2. RFP – Audio & Video Equipment

Secretary McCracken informed the Board that there is a resolution on the meeting to solicit a RFP for Audio & Video equipment which will be sent out today. It was agreed after a conversation that Ms. Murphy will amend the RFP for audio and video equipment to include the Service Center. There was also discussion regarding the location of the meetings.

3. Amendment of Minutes of the Meetings

Secretary McCracken informed the Board that the format of the Minutes from May 3, 2018 to present have been changed. Ms. Murphy explained that the reason for this change is that the way the minutes were being done have become problematic due to the size. The minutes should be quick overviews. Trish Fabozzi then explained to the Board the proposed changes. If the Board approves the changes, a resolution will be on the next meeting to amend said minutes.

LEGAL

1. Legal Software: Legal Files

Attorney Murphy apprised the Board that the Legal Department continues to operate on a paper driven, file management system with limited access to the Authority's electronic files. For these reasons Ms. Murphy explored the availability of legal software suitable for managing a public sector legal department. Subsequently, she asked a legal software vendor, Legal Files®, to make a presentation to staff about the product and its capabilities. Ms. Murphy further explained that in addition to the Legal Department, staff in other departments could benefit from this software as well. Attorney Murphy asked permission to move forward with looking into the purchase of the software. Paul Riester feels that it is possible that due to the uniqueness of the software, it could be deemed a sole source provider. The Board approved Ms. Murphy looking into the matter further and reporting back to the Board.

FISCAL

1. Auto Place Road Assumption of Assets

Deputy Director Lichtenthal informed the Board that it has come to the attention of the Authority that Auto Place Road is not a dedicated public street in the Town of Clarence. When the Authority took over the Town of Clarence, this property was never transferred over to the Authority properly even though the Authority has been treating it like a public waterline. Mr. Lichtenthal proposed to the Board a solution to correct the deficiency such as giving the Authority proper easements, proper bonds and installing proper valves that the Town will pay for. Vice Chairman Carney expressed his concerns that this is not a public waterline and does not wish to set any type of precedent for the future. He also remarked that he has no desire to subsidize the private line of any business or private residence. After much discussion, the Commissioners asked Mr. Lichtenthal to obtain at least a ten- year warranty bond.

2. June 2018 Investment Report

Mr. Lichtenthal distributed the June 2018 investment report. Vice Chairman noted that he has reviewed it and it appears that the Authority is doing very well. Mr. Lichtenthal also added that what is not reflected in the report is that as of June 30th is the bond closing of last week all that money is fully invested.

3. Monthly Financial Report – June 2018

Steve D’Amico distributed the June 2018 Investment Report. This report includes operating revenue, investment income, operating expense and net income. Vice Chairman Carney noted that we are behind in residential. Mr. D’Amico noted it will pick up in September due to billing.

4. Service Center Roof Failure

A memorandum from Stanley Jemiolo was distributed regarding the failure of the roof at the Service Center. Robert Lichtenthal and Paul Riester informed the Board that the condition of the roof at the Service Center is rapidly deteriorating. Options were discussed whether to repair the roof or do a full replacement. A full replacement of the roof was recommended to the Board. Mr. Riester noted that they can use a vendor through the joint purchasing alliance.

OPERATIONS

1. NYS Water Grants

Executive Engineer Stoll reported that the Engineering staff is currently working on a grant application for New York State Environmental Facilities Corporation, Department of Health 2018 NYS Water Grants. Mr. Stoll would like to submit an application to request funds for construction of the replacement of a portion of a 36-inch transmission main that failed in July 2016. Mr. Stoll will have resolutions at the next meeting for this application.

2. HVAC Equipment

Executive Engineer Stoll informed the Board that Sturgeon Point’s HVAC systems require the installation of new equipment and upgrade of the alarm notification system. Mr. Stoll plans on using the current vendors that the Authority has under contract that can do this work. He would like to take this approach due to the time factor versus going out for bid.

HUMAN RESOURCES

No Report

AUDIT COMMITTEE

No Report

GOVERNANCE COMMITTEE

1. Summary of 7/19/18 Governance Committee Meeting

08/02/18

Commissioner Schad gave a summary of the July 19, 2018 Governance Committee meeting.

FINANCE COMMITTEE

No Report

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. Schad

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. Schad

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

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)

08/02/18

446

T-2 ADOPTION OF POLICY NO. 96.0 (ITEM NO. 15 4/19/18) (REFERRED TO GOVERNANCE COMMITTEE)

T-11 AMENDMENT TO THE AUTHORITY'S CODE OF ETHICS RELATING TO CONDUCT OF COMMISSIONERS AND FORMER COMMISSIONERS (ITEM NO. 7 6/28/18) (REFERRED TO GOVERNANCE COMMITTEE)

VII. - NEW BUSINESS

ITEM 3 - AUTHORIZATION TO ENTER INTO A SERVICE AGREEMENT WITH TIME WARNER CABLE BUSINESS CLASS IN CONNECTION WITH THE ERIE COUNTY WATER AUTHORITY'S INTERNET, ETHERNET PRIVATE LINE SERVICE AND PHONE SERVICE

Motion by Mr. Carney seconded by Mr. Jones

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 4 - TERMINATION OF PROFESSIONAL SERVICES CONTRACT WITH HARTER SECREST & EMERY LLP (T-12)

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

DISCUSSION

Commissioner Jones inquired as to the reason of the termination. Chairman Schad replied that the Authority would like to go out and revisit the marketplace.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 5 - AUTHORIZATION TO SOLICIT REQUEST FOR PROPOSALS FOR THE DESIGN, INSTALLATION AND PROGRAMING OF AUDIO AND VIDEO EQUIPMENT FOR THE ERIE COUNTY WATER AUTHORITY'S ELLICOTT SQUARE BOARDROOM, PROJECT NO. 201800613

08/02/18

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

Motion by Mr. Jones to amend the resolution authorizing the Authority's Secretary and Attorney to amend the proposed RFP to obtain pricing for the installation and furnishing of audio and visual equipment to be used in the Ellicott Square Boardroom and/or the Service Center main conference room, seconded by Mr. Carney.

DISCUSSION

None

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

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 6 - AUTHORIZATION TO NEGOTIATE PROFESSIONAL SERVICE CONTRACT FOR WEBSITE DESIGN AND DEVELOPMENT FOR 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 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH WENDEL WD ARCHITECTURE, ENGINEERING, SURVEYING, AND LANDSCAPE ARCHITECTURE, P.C. TO PROVIDE CONSULTING ENGINEERING

**SERVICES FOR THE ERIE COUNTY WATER AUTHORITY'S BALL
NORTH STORAGE TANK REPLACEMENT, PROJECT NO. 201800139,
IDENTIFIED AS CONTRACT NO. W-031**

Motion by Mr. Carney seconded by Mr. Schad

DISCUSSION

Vice Chairman Carney asked if the appropriate language previously discussed is included in the agreement or if it needs an addendum. Ms. Murphy informed Mr. Carney that language is in the agreement.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 8 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE FURNISHING
AND DELIVERING OF HALOGEN ACTUATORS AND CONTROLLER
UNITS FOR STURGEON POINT WATER TREATMENT PLANT AND VAN
DE WATER WATER TREATMENT PLANT, PROJECT NO. 201800105**

Motion by Mr. Carney seconded by Mr. Jones

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 9 - AUTHORIZATION TO ADVERTISE FOR BIDS 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**

Motion by Mr. Jones seconded by Mr. Carney

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 10 - APPROVAL OF CHANGE ORDER NO. 4 OF E&R GENERAL

CONSTRUCTION, INC. FOR EXCAVATED MATERIAL REMOVAL AND DISPOSAL, APRIL 1, 2016 THROUGH MARCH 31, 2018, PROJECT NO. 201600011, CONTRACT NO. 16-06-03 - \$98,729.82 (T-13)

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

DISCUSSION

Treasurer Jones noted that he had a discussion with Russell Stoll relative to Items 10-13 and would like to have further discussions with staff before voting on these items. Vice Chairman Carney concurred.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 11 - APPROVAL OF CHANGE ORDER NO. 2 OF H&K SERVICES FOR CONTRACT NO: OBG-12A STURGEON POINT AND VAN DE WATER IMPROVEMENTS PROJECT, PROJECT NO. 201500169, CONTRACT NO. 17-01-01 - \$130,400.00 (T-14)

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

DISCUSSION

See Discussion in Item 10

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 12 - APPROVAL OF CHANGE ORDER NO. 3 OF AMSTAR OF WESTERN NEW YORK, INC. FOR CONTRACT NO. W-23, STORAGE TANK REFURBISHING, PROJECT NO. 201500177, CONTRACT NO. 16-19-08 - \$39,169.25 (T-15)

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

DISCUSSION

See Discussion in Item 10

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 13 - APPROVAL OF CHANGE ORDER NO. 9 OF KANDEY COMPANY, INC. FOR EMERGENCY WATERMAIN REPAIR CONTRACT, AUGUST 1, 2015 THROUGH JULY 31, 2017, PROJECT NO. 201500031, CONTRACT NO. 15-11-07 - \$28,889.03 (T-16)

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

DISCUSSION

See Discussion in Item 10

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 14 - AUTHORIZATION TO GRANT LEAK ALLOWANCE REQUESTS - \$24,816.06

Motion by Mr. Carney seconded by Mr. Jones

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 15 - AUTHORIZATION TO CHANGE THE HOURLY RATE OF PAY FOR THE TITLE OF CLERK (19 HRS.)

Motion by Mr. Carney seconded by Mr. Schad

DISCUSSION

Treasurer Jones asked for a little more information relative to this resolution. It was explained to him that this position is a seasonal clerk position which does not have a wage scale – just an hourly rate, and there is no classification issue. The duties of this position are more than that of a summer seasonal making the same amount of pay.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 16 - DAVID MINEO - APPOINTMENT AS ASSOCIATE ATTORNEY (PART-TIME) (T-17)

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

DISCUSSION

Treasurer Jones asked if this person has gone through the interview process. He added that he does not have any information on Mr. Mineo. Margaret Murphy informed Mr. Jones that she did have an opportunity to interview Mr. Mineo and feels he will be a perfect fit in the Legal Department. Ms. Murphy then gave Mr. Jones Mr. Mineo's resume.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 17 - SERVICE CONNECTION WORK ORDER LISTS

Motion by Mr. Carney seconded by Mr. Schad

DISCUSSION

None

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

T-17 DAVID MINEO - APPOINTMENT AS ASSOCIATE ATTORNEY (PART-TIME) (ITEM NO. 16 8/2/18)

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

DISCUSSION

None

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

T-17 DAVID MINEO - APPOINTMENT AS ASSOCIATE ATTORNEY (PART-TIME) (ITEM NO. 16 8/2/18)

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

DISCUSSION

It was explained to Treasurer Jones that Mr. Mineo was interviewed by Commissioners

452

and were very impressed by him. Treasurer Jones noted that he feels it would not be responsible for him to vote on this as he has not had the opportunity to meet with Mr. Mineo.

Ayes: Two; Commrs. Schad and Carney

Noes: None; Commissioner Jones abstained

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

PF

08/02/18