

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 31st day of May, 2018.

PRESENT: **Jerome D. Schad, Chairman**
Mark S. Carney, Vice Chairman
Terrence D. McCracken, Secretary to the Authority
Robert J. Lichtenthal, Jr., Deputy Director
Earl Jann, Executive Director
Russell J. Stoll, Executive Engineer
Karen A. Prendergast, Comptroller
Margaret Murphy, Associate Attorney
John J. Mogavero, Chemist/Chief WTPO
Joseph T. Burns, Deputy Administrative Director
Anthony Alessi, Claims Representative/Risk Manager
Steven V. D'Amico, Business Office Manager
Darlene Petritz-Sikorski, Deputy Associate Attorney

ATTENDEES: **Sandra Tan**
Dan Murray
Patrick Quinn
Steve Powell
Tony Butino
Bob Overhoff

ATTENDEES:

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 17, 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 17, 2018.

DISCUSSION

None

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. Award of Contract for Hydrofluorosilicic Acid

Secretary McCracken distributed a memo regarding the Award of Hydrofluorosilicic Acid to Control Chem. The furnishing and delivering of Hydrofluorosilicic Acid contract went out to bid in February 2018. Subsequently, the bids received were rejected and a new spec was readvertised. The new spec was altered to require a higher grade purity product. The bidders have expressed their dissatisfaction of the new specs and feel that their product is sufficient as they meet AWWA requirements and their products have been approved for use by the Erie County Department of Health. The bid opening for the new bid was held in May 2018. Seven bids were received, however, of the seven bids Control Chem was the only bidder that met the requirements of the spec. John Mogavero recommends awarding the contract to Control Chem in the amount of \$527,680 due to the quality of the product. Vice Chairman Carney commented that he approves of using the best and safest product even if it is more expensive. It was noted

that we have no legal liability, and are not obligated to choose the lowest bidder. Chairman Schad noted that the risk of litigation is worth taking if the product is helping us make the water safer. The Commissioners agreed to move forward with this contract.

LEGAL

No Report

FISCAL

1. 2018-2019 Insurance Program Update

Robert Lichtenthal distributed materials supplied by Lawley Insurance, the Authority's insurance broker, along with a spreadsheet summarizing responses received by Lawley from various markets with respect to the lines of insurance that the Authority carries. Representatives from Lawley reviewed and explained these responses with the Board and made recommendations. Lawley agreed to have final numbers by next meeting. Mr. Lichtenthal noted that a resolution may not appear until the June 28th meeting. Bob Overhoff and Tony Butino of Lawley's Loss Control informed the Board that they were successful in procuring a grant from New York State Department of Labor on behalf of the Authority in the amount of a little over \$12,000 for safety training. They just completed some site surveys to see if recommendations or control measures could be made. Mr. Overhoff found that staff was following protocol just as they should be. Chairman Schad asked if watching the crew was unannounced which it was. It was suggested that Michael Lewkowitz make more unannounced visits to the sites.

OPERATIONS

1. RFP Professional Engineering Services

Russell Stoll informed the Board that one RFP was issued for Professional Engineering Services for Ball North Storage Tank Replacement, Guenther Pump Station Rehabilitation, Capital Improvements Program for Ball Pump Station and Hydraulic Integrity – Reliability of Water Supply & Alternate Sources. After staff review, Mr. Stoll recommended to the Board that they enter into negotiations with Wendel Engineers for the Ball North Storage Tank Replacement; GHD for Guenther Pump Station Rehabilitation; Arcadis for Capital Improvements Program for Ball Pump Station and O'Brien & Gere for the Hydraulic Integrity project. The Board agreed to have Mr. Stoll start negotiations with these firms. Chairman Schad noted that he asked Mr. Jann to organize a schedule to have staff come in and talk about long range strategic planning on the Authority's infrastructure. It was then agreed to have staff discuss the lead and copper issue first and then the long range strategic planning.

2. Alert Notification System

Mr. Jann informed the Board that IVR Technology Group, LLC's contract for the alert notification system expires on July 31, 2018. Executive Director Jann recommends that the Board retain a New York State Contract vendor, Everbridge, to provide the services with respect to the alert notification system effective August 1, 2018. He noted that Everbridge has submitted a lower quote and also a sole source letter. Vice Chairman Carney noted that he did have questions on this at the last meeting. He has done some research on it, and has no further questions. At the appropriate time Mr. Carney would like to take it off the table. The Board approved to initiate the MPO.

HUMAN RESOURCES

No Report

AUDIT COMMITTEE

1. Summary of 5/17/18 meeting

Commissioner Schad gave a summary of the May 17, 2018 Audit Committee meeting.

GOVERNANCE COMMITTEE

1. Summary of 5/17/18 and 5/23/18 meetings

Commissioner Schad gave summaries of the May 3, 2018 and May 23, 2018 Governance Committee meetings.

FINANCE COMMITTEE

Summary of 5/17/18 meeting

Commissioner Schad gave a summary of the May 17, 2108 Finance Committee meeting.

ETHICS BOARD

1. Summary of 5/17/18 meeting

Commissioner Schad gave a summary of the May 17, 2108 Ethics Board meeting.

V. - COMMUNICATIONS AND BILLS

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

5/31/18

Motion by Mr. Schad seconded by Mr. Carney

DISCUSSION

Vice Chairman Carney noted that he has reviewed all items contained in the master purchase orders and found them to be appropriate.

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-4 AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH NUSSBAUMER & CLARKE, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES FOR MISCELLANEOUS ELECTRICAL DESIGN SERVICES 2018-2019, IDENTIFIED AS CONTRACT NO. NC-037, PROJECT NO. 201800056 (ITEM NO. 4 5/17/18)**

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

- T-4 AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH NUSSBAUMER & CLARKE, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES FOR MISCELLANEOUS ELECTRICAL DESIGN SERVICES 2018-2019, IDENTIFIED AS CONTRACT NO. NC-037, PROJECT NO. 201800056 (ITEM NO. 4 5/17/18)**

Motion by Mr. Carney seconded by Mr. Schad

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

- T-5 APPROVAL OF AMENDMENT NO. 3 OF IVR TECHNOLOGY GROUP, LLC. TO ASSIST THE ERIE COUNTY WATER AUTHORITY IN ENHANCING ITS DATA BASE OF CONTACT EMAILS, WIRELESS NUMBERS AND ANY OTHER SOCIAL MEDIA COMMUNICATION SYSTEMS DEEMED NECESSARY, IDENTIFIED AS PROJECT NO. 201600192 - \$35,000.00 (ITEM NO. 7 5/17/18)**

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

- T-5 APPROVAL OF AMENDMENT NO. 3 OF IVR TECHNOLOGY GROUP, LLC. TO ASSIST THE ERIE COUNTY WATER AUTHORITY IN ENHANCING ITS DATA BASE OF CONTACT EMAILS, WIRELESS NUMBERS AND ANY OTHER SOCIAL MEDIA COMMUNICATION SYSTEMS DEEMED NECESSARY, IDENTIFIED AS PROJECT NO. 201600192 - \$35,000.00 (ITEM NO. 7 5/17/18)**

Motion by Mr. Carney seconded by Mr. Schad

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 2 - AUTHORIZATION TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE TOWN OF CHEEKTOWAGA IN CONNECTION WITH THE RECONSTRUCTION OF WOODBINE PLACE FROM CHEROKEE DRIVE TO CLOVER PLACE AND EVERGREEN PLACE FROM WOODBINE PLACE TO CLOVER PLACE IN THE TOWN OF CHEEKTOWAGA, NEW YORK, PROJECT NO. 201700073

Motion by Mr. Carney seconded by Mr. Schad

DISCUSSION

Vice Chairman Carney noted that he has reviewed the memo as to the contract, and finds them to be appropriate. Chairman Schad stated that he has checked on it, and this project needs to get done.

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

VII. NEW BUSINESS

ITEM 3 - AUTHORIZATION TO ENTER INTO A MONTH TO MONTH SUPPORT SERVICE AGREEMENT WITH HSQ TECHNOLOGY TO RENDER PROFESSIONAL SERVICES IN CONNECTION WITH SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) SYSTEM MAINTENANCE SERVICE FROM JUNE 1, 2018 TO MAY 31, 2019, PROJECT NO. 201800024

Motion by Mr. Carney seconded by Mr. Schad

DISCUSSION

Vice Chairman Carney noted that he has reviewed the memo and the contract, and finds it to be appropriate. Chairman Schad asked for some clarification on the month to month. Paul Riester explained that this is a month to month to support the old SCADA system.

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 4 - 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 (T-6)

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

DISCUSSION

Vice Chairman Carney started the discussion by expressing his confusion regarding the nature of the contract, but more importantly the nature of the cost of the contract. He had questions regarding the estimated resident inspection cost, other costs, subcontractor costs (plus five percent) and how the contractor came up with the numbers listed in Paragraph 3, Payment for Services. He requested more explanation as he feels these contracts are very open to interpretation and does not believe the contract is worded appropriately.

Chairman Schad asked Mr. Stoll to get a simple half page clarification memo signed by the respective contractor explaining Commissioner Carney's questions and concerns. Once this memo is received and is acceptable, the Board can sign off on both the memo and the contract. Mr. Schad noted that this language needs to be clarified in order to avoid the need for a clarification memo or make it another part of the contract so that the bidder understands the terms.

Vice Chairman Carney ask if Legal would take a look at these contracts, not necessarily from a standpoint of whether or not we are paying an appropriate amount on the resident inspection, but when it says "other costs" we are very clear that we have been given an estimate and we are not paying 1.41 on any hour above what has already been estimated and the five percent that we are paying does not include any of the mark up.

A discussion was then had about the practice and intention of the Authority's "blue sheet" that is used for all board resolutions. Chairman Schad said he is aware it has been frustrating for the staff to meet the deadlines to get their items in to the board. However, the purpose of that is fundamentally to have a real review by the staff who are supposed to do it and not pass it off to somebody else or let it go - do the due diligence review before it is signed but then get it done.

Margaret Murphy suggested that Legal have oversight at the beginning before a contract is brought to the Board. Questions such as these should have been addressed before it was sent out to be signed.

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 5 - 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 (T-7)

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

DISCUSSION

See Discussion in Item 4

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 6 - 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 (T-8)

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

DISCUSSION

See Discussion in Item 4

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 7 - 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 (T-9)

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

DISCUSSION

See Discussion in Item 4.

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 8 - AUTHORIZATION TO SOLICIT REQUEST FOR PROPOSALS FOR WEBSITE DESIGN AND DEVELOPMENT FOR THE ERIE COUNTY WATER AUTHORITY, PROJECT NO. 201800115

Motion by Mr. Carney seconded by Mr. Schad

DISCUSSION

Chairman Schad commented that this work is needed and would like to see it done. Vice Chairman Carney agreed.

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 9 - APPROVAL OF AMENDMENT NO. 1 OF TANK INDUSTRY CONSULTANTS, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES FOR STORAGE TANK INSPECTIONS, PROJECT NO. 201600068, IDENTIFIED AS CONTRACT NO. TIC-002 FOR A CREDIT IN THE AMOUNT OF \$3,403.50

Motion by Mr. Carney seconded by Mr. Schad

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 10 - AUTHORIZATION FOR SCOTT AIPLE, ELECTRICAL ENGINEER TO ATTEND THE FACTORY ACCEPTANCE TEST FOR THE ERIE COUNTY WATER AUTHORITY'S WIDE AREA NETWORK IN AUSTIN, TEXAS

Motion by Mr. Carney seconded by Mr. Schad

DISCUSSION

Vice Chairman Carney questioned what was included in the estimated cost. He was informed that the employee submits a travel/training request which was included in the Commissioner's packet. This request lists estimated costs such as, hotel, airfare, mileage, etc.

Chairman Schad inquired as to what the factory acceptance test was. Mr. Riester explained that this is to witness the equipment is operating within specifications at the factory before shipment to site for installation. This equipment is for the Wide Area Network (WAN) Project.

Chairman Schad raised the question as to who is Scott Aiple's back up as Electrical Engineer. Earl Jann noted that there is not an ECWA employee who can back up Mr. Aiple, however, the Authority has retained Nussbaumer & Clarke and Wendel Engineers for a back up, if necessary. Mr. Schad would like the Secretary to take a look at our inventory in terms of creating a back up in that area.

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 11 - AUTHORIZATION TO APPROVE WAIVER OF CONFLICT

Motion by Mr. Carney seconded by Mr. Schad

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

**ITEM 12 - AUTHORIZATION TO WAIVE THE ATTORNEY-CLIENT PRIVILEGE
RELATIVE TO THE INVOICES OF PHILIPS LYTTLE LLP**

Motion by Mr. Carney seconded by Mr. Schad

DISCUSSION

Chairman Schad noted that these are the contested invoices that were subject to the FOIL. Vice Chairman Carney added that there has been ample discussion at the Governance Committee meeting with respect to this item.

VOTE

Ayes: Two; Commrs. Schad and Carney
Noes: None

ITEM 13 - SERVICE CONNECTION WORK ORDER LIST

Motion by Mr. Carney seconded by Mr. Schad

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney
Noes: None

**ITEM 14 - AUTHORIZATION OF THE FILING OF A RESPONSIVE DOCUMENT TO
THE AUTHORITIES BUDGET OFFICE (ABO) REPORT**

Motion by Mr. Schad seconded by Mr. Carney

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. 11:40 a.m.

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

Motion by Mr. Schad seconded by Mr. Carney carried to close Executive Session. 12:30 p.m.

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

X. - ADJOURNMENT

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

Terrence D. McCracken
Secretary to the Authority

PF