

**MINUTES** of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 16<sup>th</sup> 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**  
**Karen A. Prendergast, Comptroller**  
**Daniel J. NeMoyer, Director of Human Resources**

**ATTENDEES:** **Michael Mroziak, WBFO**  
**Anthony Perna**

**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, August 2, 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 2, 2018.

**DISCUSSION**

Commissioner Jones noted that the votes in Item 18 are correct, but he should be listed as abstaining.

Motion by Mr. Jones to amend the Minutes of the Meeting held on Thursday, August 2, 2018 to reflect Commissioner Jones as abstaining in Item 11, 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,

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. RFP for Public Relations Services

Secretary McCracken distributed a memo informing the Board the results of the RFP for Public Relations Services. He reported that twelve RFPs were sent out, and three firms responded: E3 Communications, Roy Gene Cassidy and Mower. Mr. McCracken and Mr. NeMoyer interviewed all three respondents. After review, Mr. McCracken recommended retaining E3 Communications for these services. Vice Chairman Carney questioned why the fee is more than what the Authority was paying the last public relations firm. Secretary McCracken explained that the public relations firm will be providing more services than our last consultant provided as some of the services are new and distinct. Also, E3 will provide these services for a flat monthly fee. It was also mentioned that the public relations firm will be working quite a bit with the web design firm. Vice Chairman requested that the firm supplies the Authority with billables each month as he would like to track the time to see if this is a good or bad deal.

**LEGAL**

## 1. Updating Sexual Harassment Policy

Attorney Murphy distributed a memorandum relative to the Authority's sexual harassment policy. She advised the Board that there has been some new legislation that touch upon numerous areas of state law that affects the Authority. She noted that Jackie Mattina is in the process of reviewing the Authority's current sexual harassment policy and will draft some changes to reflect the new legislations. Mr. NeMoyer will review the proposed changes, and then a recommendation to amend said policy will come to the Board. Ms. Murphy also added that the state is now requiring all vendors the Authority does business with have a sexual harassment policy. Therefore, the Authority's construction contracts will need to be modified to reflect this requirement. There will additional updated training by the HR department

## **FISCAL**

### 1. July 2018 Investment Report

Mr. Lichtenthal distributed the July 2018 investment report.

### 2. Monthly Financial Report – July 2018

Steve D'Amico distributed the July 2018 Investment Report. Steve D'Amico noted that the revenues are coming back due to the nice weather. Chairman Schad noticed that the expense side is up. Mr. D'Amico noted that it is due to the higher pumpage during the month but year-to-day was still under budget.

## **OPERATIONS**

No Report

## **HUMAN RESOURCES**

No Report

## **AUDIT COMMITTEE**

No Report

## **GOVERNANCE COMMITTEE**

1. Summary of 8/2/18 Governance Committee Meeting  
Commissioner Schad gave a summary of the August 2, 2018 Governance Committee meeting.

Vice Chairman Carney then asked the status of their cell phones. Paul Riester replied the phones are ready to roll them out - just waiting for cases, etc. Commissioner Jones noted that at the last meeting Mr. Riester mentioned that anyone who was authorized could ask for a cell phone and get one. He asked if there was a policy on this. Mr. Riester informed him that if the employee's department head feels there is a reason for it, then, yes, they can have one. Ms. Murphy expressed that she feels a policy should be adopted as to what texts must be preserved and what texts can be deleted because now it becomes part of the public record. Mr. Lichtenthal stressed that these phones should be used for emergency response. Chairman Schad asked that, by the next meeting, a list is prepared identifying the employees who should have a cell phone.

## **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. Jones seconded by Mr. Carney

#### **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. Jones seconded by Mr. Carney

#### **DISCUSSION**

None

#### **VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 3 – FOIL FROM GLENDA AND JIM TARAMASCO – RECEIVED AND FILED****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)**

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

**DISCUSSION**

Commissioner Jones voiced that he would like to see the tabled items currently under unfinished business “cleaned up”. He does not believe it’s necessary to carry items on the main meeting agenda if they are not being acted on as T-1, T-2 and T-11 will still be kept in Governance. Attorney Murphy stated that even though the tabled items were referred to Governance, she recommended that they remain on the board’s unfinished business because the only body who can approve action is the board. Chairman Schad questioned if the items are denied, are they removed from committee. Administrative Deputy Director Burns replied that he does not believe the items are removed so removed. Chairman Schad said if the resolution of the motion leaves the items on the committee agenda and it cleans up the unfinished business on the main agenda, he is willing to support it.

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

Motion to deny and remain on Committee by Mr. Jones seconded by Mr. Carney

**DISCUSSION**

See Discussion above

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

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

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

**DISCUSSION**

See Discussion in T-1

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

Motion to deny and remain on Committee by Mr. Jones seconded by Mr. Carney

**DISCUSSION**

See Discussion in T-1

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**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)**

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

**DISCUSSION**

See Discussion in T-1

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

Motion to deny and remain on Committee by Mr. Jones seconded by Mr. Carney

**DISCUSSION**

See Discussion in T-1

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

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

Motion to remove from table by Mr. Jones. Motion not seconded; Motion failed

**DISCUSSION**

Commissioner Jones expressed that he does not feel this item should remain on the agenda as unfinished business. He suggested that since Harter Secrest will be a recipient of the RFP, they be notified (along with the RFP) that the Authority is looking to restart the contract.

**T-13 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 (ITEM NO. 10 8/2/18)**

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

**DISCUSSION**

Secretary McCracken conveyed that he had a conversation with Executive Engineer Stoll relative to the above change order. Mr. Stoll requested that the Board remove this item from the table and receive and file so that the Engineering Department can provide more information to the Board. This will allow the Engineering Department to refile these items at a future meeting.

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**T-14 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 (ITEM NO. 11 8/2/18)**

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

**DISCUSSION**

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See Discussion in T-13

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**T-15 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 (ITEM NO. 12 8/2/18)**

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

**DISCUSSION**

See Discussion in T-13

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**T-16 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 (ITEM NO. 13 8/2/18)**

08/16/18



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

**DISCUSSION**

See Discussion in T-13

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**VII. - NEW BUSINESS**

**ITEM 4 - AUTHORIZATION TO SOLICIT REQUEST FOR PROPOSALS FOR GOVERNMENT RELATIONS AND LOBBYING SERVICES, PROJECT NO. 201800178**

Motion by Mr. Carney seconded by Mr. Schad

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 5 - AUTHORIZATION TO EXECUTE SETTLEMENT AGREEMENT WITH ZEPPELIN COMMUNICATIONS, LLC dba ZEPPCOM**

Motion by Mr. Carney seconded by Mr. Schad

**DISCUSSION**

None

**VOTE**

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

**ITEM 6 - AUTHORIZATION TO ACCEPT THE PROPOSAL OF E3  
COMMUNICATIONS TO PROVIDE PUBLIC RELATIONS SERVICES**

Motion by Mr. Carney seconded by Mr. Schad

**DISCUSSION**

None

**VOTE**

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

**ITEM 7 - AUTHORIZATION TO REFUND SERVICE CONNECTION FEE TO  
KELLY SCHULTZ ANTIQUES - \$2,400.00**

Motion by Mr. Carney seconded by Mr. Schad

**DISCUSSION**

None

**VOTE**

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

**ITEM 8 - AUTHORIZATION TO REFUND FEE TO 5181 TRANSIT ADL LLC -  
\$56,500.00**

Motion by Mr. Carney seconded by Mr. Schad

**DISCUSSION**

Commissioner Jones asked for a clarification as to the refund. Comptroller Prendergast informed him that it was a deposit for work that is now not needed.

**VOTE**

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

**ITEM 9 - AUTHORIZATION TO GRANT A ONE-TIME COURTESY REVERSAL  
OF DELINQUENT CHARGES FOR FRANK KRUSZKA - \$689.84**

Motion by Mr. Carney seconded by Mr. Schad

**DISCUSSION**

Commissioner Jones inquired if there is a policy relative to a one-time courtesy reversal of delinquent charges. Steven D'Amico reported that the Authority's Tariff allows for a one-time late charge removal, and if it is over \$500 it requires Board approval.

**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. Schad

**DISCUSSION**

Vice Chairman Carney questioned why this is a lower estimate than the last estimate. He was told by Mr. Lichtenhal that they were just able to obtain a better price. He assured Vice Chairman Carney that they were not giving up any quality.

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 11 - AUTHORIZATION TO AMEND PREVIOUSLY ADOPTED MINUTES OF THE MEETINGS OF THE ERIE COUNTY WATER AUTHORITY**

Motion by Mr. Carney seconded by Mr. Schad

**DISCUSSION**

Commissioner Jones inquired as to why the minutes were being amended. Attorney Murphy explained that this is simply just to clean up the minutes since May 3, 2018. Ms. Murphy clarified that the reason for this change is the way the minutes were being done have become problematic due to the size. She further added that there have been no verbiage changes to the amended minutes. Commissioner Jones expressed his hesitancy to amend the minutes and suggested receiving and filing instead. Commissioner Schad and Carney stated that they would like to amend the minutes, and therefore, Commissioner Jones chose to abstain.

**VOTE**

Ayes: Two; Commrs. Schad, Carney and Jones

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Noes: None; Commissioner Jones abstained

**ITEM 12 - 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. 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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08/16/18