

**MINUTES** of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 1<sup>st</sup> day of November 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  
Richard Daren, Network Specialist

**ATTENDEES:** Brian Gould  
H. John Mye  
Thuy Lan Nguyen  
David Harrington

**CALL TO ORDER AT 9:30 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 18, 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 18, 2018.

#### **DISCUSSION**

None

#### **VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

### **IV. – REPORTS**

#### **SECRETARY**

1. Executive Session - Discussion of Executive Director  
Candidates pursuant to Public Officers Law §105(1)(f)  
(matters leading to employment)

#### **LEGAL**

No Report

#### **FISCAL**

No Report

#### **OPERATIONS**

No Report

#### **HUMAN RESOURCES**

No Report

**AUDIT COMMITTEE**

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

Commissioner Schad gave a summary of the October 18, 2018 Audit Committee meeting.

**GOVERNANCE COMMITTEE**

No Report

**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**

Commissioner Jones asked Deputy Director Lichtenthal if he assumed the responsibility on this particular item in the absence of the Director of Administration. Mr. Lichtenthal replied that yes, he did.

**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 – FOIL REQUEST FROM MARK CERRONE, INC. – RECEIVED AND FILED**

**ITEM 4 – FOIL REQUEST FROM ELLEN REESE – RECEIVED AND FILED**

**ITEM 5 – COMPLAINT FILED IN THE OFFICE OF THE ATTORNEY GENERAL –  
RECEIVED AND FILED**

**DISCUSSION**

Margaret Murphy explained that this item has already been responded to by Tim Gallagher. She is of the understanding that complainant is going to withdraw the complaint.

**ITEM 6 – COMMUNICATION FROM MICHAEL BORDERS - RECEIVED AND  
FILED**

**DISCUSSION**

Chairman Schad noted that this complaint is not part of the Authority's jurisdiction.

**VI. PERSONS ADDRESSING THE AUTHORITY**

The Chair offered persons desiring to address the Commissioners on any Water Authority subject the opportunity to speak. There weren't any speakers.

**VII. - UNFINISHED BUSINESS**

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

**VIII. - NEW BUSINESS**

**ITEM 7 - 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**

Motion by Mr. Carney seconded by Mr. Schad

## DISCUSSION

Commissioner Jones noted that items 7, 8, 9 and 10 appear to be related along with some budget amendments. He asked Russell Stoll if these items are all related to the major break last year. Mr. Stoll explained that some of them are. Mr. Stoll explained that due to the significant break that effected much of Sturgeon Point, H&K Services was unable to finish their job, therefore a change order was needed to include additional time. He confirmed that an emergency was declared for the 42-transmission main and all the work that was involved. Ms. Murphy added that the break caused a chain reaction to the contracts which caused delays. However, all change orders are in the scope of the contract. A brief discussion was then held relative to determining at what point the Commissioners would approve change orders before the work is done instead of ratifying them thereafter.

In addition, Margaret Murphy informed the Board that Karen Prendergast is leading a project, with Ms. Murphy's assistance, to revise the Authority's procurement guidelines.

Motion by Mr. Schad to amend the motion on Item 7 to include items 8, 9 and 10, 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

**ITEM 8 - APPROVAL OF CHANGE ORDER NO. 3 OF STC CONSTRUCTION, INC. FOR CONTRACT NO. NC-34, STURGEON POINT RAW WATER PUMP STATION IMPROVEMENTS, PROJECT NO. 201500175, CONTRACT NO. 16-26-12 - \$88,127.00**

**ITEM 9 - APPROVAL OF AMENDMENT NO. 1 OF NUSSBAUMER & CLARKE, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES FOR THE DESIGN AND CONSTRUCTION OF WATER SYSTEM IMPROVEMENTS IN THE TOWNS OF CLARENCE AND CHEEKTOWAGA, NEW YORK, IDENTIFIED AS CONTRACT NO. NC-036 (CONTRACT C), PROJECT NO. 201700090 - \$103,400.00**

**ITEM 10 - APPROVAL OF AMENDMENT NO. 3 OF O'BRIEN & GERE ENGINEERS, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES FOR THE DESIGN AND CONSTRUCTION OF IMPROVEMENTS AT THE STURGEON POINT AND VAN DE WATER TREATMENT PLANTS AND SHORELINE EROSION CONTROL AT THE OUTFALL STRUCTURE AT STURGEON POINT WATER TREATMENT PLANT, IDENTIFIED AS**

**CONTRACT NO. OBG-12, PROJECT NO. 201500169 - \$34,000.00**

Chairman Schad calls for a vote on approving Items 7, 8, 9 and 10 as amended

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 11 - AUTHORIZATION TO REFUND SERVICE CONNECTION FEE TO PAUL MCCARTHY - \$2,000.00**

Motion by Mr. Carney seconded by Mr. Jones

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 12 - AUTHORIZATION TO REFUND SERVICE CONNECTION FEE TO DAVID AND NIKKI HEINRICH - \$400.00**

Motion by Mr. Carney seconded by Mr. Jones

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 13 - AUTHORIZATION TO GRANT LEAK ALLOWANCE REQUEST - \$586.70**

Motion by Mr. Schad seconded by Mr. Jones

**DISCUSSION**

None

**VOTE**

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

**ITEM 14 - AUTHORIZATION FOR RICHARD DEREN, NETWORK SPECIALIST TO ATTEND THE CISCO IP ROUTING TRAINING IN ARLINGTON, VIRGINIA**

Motion by Mr. Jones seconded by Mr. Carney

**DISCUSSION**

None

**VOTE**

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

**ITEM 15 - AUTHORIZATION TO GRANT A ONE-TIME COURTESY REVERSAL OF DELINQUENT CHARGES FOR MARY ANN BRATEK - \$540.03**

Motion by Mr. Carney seconded by Mr. Schad

**DISCUSSION**

Commissioner Jones asked if we can make this contingent upon the underlying bill being paid. RJL said that is part of the process that they have pay the bill.

**VOTE**

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

**ITEM 16 - 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 17 - AUTHORIZATION TO ADOPT THE 2019 OPERATING AND MAINTENANCE BUDGET**

Motion by Mr. Carney seconded by Mr. Jones

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 18 - AUTHORIZATION TO ADOPT THE 2019 ANNUAL CAPITAL BUDGET**

Motion by Mr. Carney seconded by Mr. Jones

**DISCUSSION**

Chairman Schad noted that the staff did a marvelous job in terms of bringing the budget information to the Board. Vice Chairman Carney added that not only did the staff appear before the Commissioners, but they provided the Commissioners, in advance, their budget requests along with the reasons why. Vice Chairman Carney was pleased with this process because the Commissioners had an opportunity to review the budget requests and then if needed ask the staff questions. Commissioner Jones remarked that he has been through a number of municipal budget processes, and this was by far very clean and believes this is a reasonable budget.

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 19- AUTHORIZATION TO FILE THE PUBLIC AUTHORITY REPORTING INFORMATION SYSTEM (PARIS) 2019 ANNUAL BUDGET AND FINANCIAL PLAN TO THE NEW YORK STATE AUTHORITY BUDGET OFFICE**

Motion by Mr. Carney seconded by Mr. Jones

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None



**ITEM 20 - AUTHORIZATION TO CREATE TWO POSITIONS OF ACCOUNT CLERK AND ELIMINATE ONE POSITION OF CUSTOMER SERVICE REPRESENTATIVE IN THE ERIE COUNTY WATER AUTHORITY'S 2018 O&M BUDGET**

Motion by Mr. Jones seconded by Mr. Schad

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 21 - SERVICE CONNECTION WORK ORDER LIST**

Motion by Mr. Carney seconded by Mr. Jones

**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 and Executive Engineer Stoll at 10:00 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 11:30 a.m.

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

Chairman Schad remarked that a very good discussion was held but no decision has been made and no further comment.

**ITEM 22 - \_\_\_\_\_ – APPOINTMENT AS EXECUTIVE DIRECTOR (T-17)**

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

**DISCUSSION**

None

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**IV. - ADJOURNMENT**

Motion by Mr. Carney seconded by Mr. Jones carried that the meeting adjourns at 11:32 a.m.

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None



Terrence D. McCracken  
Secretary to the Authority

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