

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 3030 Union Road, Cheektowaga, New York, on the 15th 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
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
Jacqueline Mattina, Deputy Associate Attorney
Sabrina Figler, Director of Water Quality
Steven V. D'Amico, Business Office Manager

ATTENDEES: Brian Gould
Sandra Tan

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, November 1, 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, November 1, 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)

2. RFP for Lobbying and Government Services

Secretary McCracken reported that RFPs were sent out for the Government and Lobbying Services, and five responses were received. Mr. McCracken, Mr. Lichtenthal and Mr. NeMoyer reviewed the responses and narrowed it down to Masiello, Martucci, Calabrese & Associates and Harter, Secrest & Emery LLP. Interviews were then conducted on November 6, 2018. The committee agreed that Masiello et al was the best fit for these services. Secretary McCracken requested permission to put this on for a resolution at a future meeting. Chairman Schad asked that the firm look into strategic planning. Commissioner Jones remarked that he has a few outstanding questions for counsel but has no objection to going ahead with the process. However, he would like to get these questions cleared up before the Board votes.

3. RFP for Audio and Video

Secretary McCracken reported that RFPs were sent out for audio and video improvements to the Board room at the Ellicott Square and training room at the Service Center. Only two responses were returned: Veraview LLC and VOIP Supply LLC. Secretary McCracken, Trish Fabozzi and the IT department reviewed the proposals. After reviewing the proposals, the committee felt that Veraview had a strong technical team and best understood the Authority's needs but felt it necessary to physically see the quality and functionality of the equipment and how would it function in our environment. After seeing how the equipment and system performed, the committee agreed to recommend retaining Veraview for the project.

Secretary McCracken reported that on October 31, 2018 a FOIL request came in that did not make Communications. The FOIL is relative to utility building records request. He noted that the Commissioners have received it, and this was acted on properly. Chairman Schad would like the communication on for the next meeting.

Secretary McCracken announced and congratulated Sabrina Figler on her appointment to Director of Drinking Water Quality.

LEGAL

1. Amendment to By-Laws

A draft of proposed amendment changes to the Authority's By-Laws were distributed. Ms. Mattina reported that Legal has reviewed the current By-Laws, made changes and is recommending that the amendments be referred to the Board's Governance committee for review and recommendation. Chairman Schad inquired if texting should be included as a method of notice. Ms. Mattina replied that will be looked at for a future draft along with other format changes the Chairman recommended. Commissioner Jones remarked that he has a number of issues with the original By-Laws and the revised By-Laws. Commissioner Jones believes an overriding legal issue that the department needs to review is the amendment process of the By-Laws and how that squares with the Legal department's position that the Authority is a one-year session and how we can bind future Boards to a certain set of rules. His view is that since we are a one-year session body, we would have to approve new By-Laws every year at the Annual meeting. Vice Chairman Carney agreed this would be the best way. Chairman Schad asked for clarification on Article VII Amendments. He would like Legal to look at clarifying the language and definitely take a look at the annual adopting issues.

FISCAL

1. Tariff Amendment

Robert Lichtenthal distributed a memo outlining the proposed revisions to the Authority's Tariff. He remarked that the changes to the rate schedule which will support the budget passed at the last meeting. The rates discussed are within the five-year fiscal plan within the budget. There are five additional items recommended from Legal department which are all items that will help everyone operate a little bit smoother. Mr. Lichtenthal added that at this time an internal review is being conducted of the water servicer connection fees.

OPERATIONS

No Report

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HUMAN RESOURCES

No Report

AUDIT COMMITTEE

No Report

GOVERNANCE COMMITTEE

No Report

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. 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

11/15/18

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 3 – FOIL REQUEST FROM DOLCE PANEPINTO – RECEIVED AND FILED**ITEM 4 – FOIL REQUEST FROM SMARTPROCURE – RECEIVED AND FILED****ITEM 5 – LETTER FROM BRIAN KULPA, AMHERST TOWN SUPERVISOR**

Commissioner Jones remarked that this shouldn't be the Authority's problem. If they purchased a property with a water lien on it, there should have been money in some attorney's escrow account. Commissioners Carney and Schad agreed. Robert Lichtenthal suggested to have the Business office reply. Commissioners agreed.

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)**

**T-17 _____ – APPOINTMENT AS EXECUTIVE DIRECTOR
(ITEM NO. 22 11/1/18)**

VIII. - NEW BUSINESS

**ITEM 6 - 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 7 - AUTHORIZATION TO ACCEPT THE PROPOSAL OF VERAVIEW LLC TO PROVIDE DESIGN, INSTALLATION AND PROGRAMING OF AUDIO AND VIDEO EQUIPMENT FOR THE ERIE COUNTY WATER AUTHORITY'S ELLICOTT SQUARE BOARDROOM AND SERVICE CENTER MAIN CONFERENCE ROOM, PROJECT NO. 201800613

Motion by Mr. Carney seconded by Mr. Jones

DISCUSSION

Chairman Schad asked if there were only two responses. Mr. McCracken replied that yes, only two responded. Vice Chairman Carney inquired as to the time frame. Mr. McCracken informed him that once all the parts are in and Varaview starts the project it should take 2-3 weeks.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 8 - AUTHORIZATION TO ENTER INTO A MODIFICATION AGREEMENT RELATIVE TO AN EASEMENT BETWEEN THE ERIE COUNTY WATER AUTHORITY AND NIAGARA MOHAWK POWER CORPORATION

Motion by Mr. Carney seconded by Mr. Jones

DISCUSSION

Vice Chairman Carney asked if this is an underground or above ground pole. Mr. Stoll replied that it is an above ground pole.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 9 - AUTHORIZATION TO SOLICIT REQUEST FOR PROPOSALS FOR MICROWAVE RADIO MAINTENANCE SERVICES, PROJECT NO. 201900006

Motion by Mr. Carney seconded by Mr. Jones

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 10 - AWARD OF CONTRACT TO KOESTER ASSOCIATES, INC. FOR 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 - \$183,879.00

Motion by Mr. Carney seconded by Mr. Jones

DISCUSSION

Commissioner Jones noted that the letter from the apparent low bidder declining needs to be part of the official record. It was noted that the company could not produce the appropriate insurance.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 11 - APPROVAL OF CHANGE ORDER NO. 1 OF DJM CONTRACTING, INC. FOR CONTRACT NO. NC-36, WATER SYSTEM IMPROVEMENTS IN THE TOWNS OF CHEEKTOWAGA AND CLARENCE, NEW YORK, PROJECT NO. 201700090, CONTRACT NO. 18-15-03

Motion by Mr. Carney seconded by Mr. Jones

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 12 - AUTHORIZATION TO EXTEND THE PROFESSIONAL SERVICES CONTRACT WITH MATRIX IMAGING SOLUTIONS, INC. FOR BILL PRINTING, PRESENTATION, AND PAYMENT ALTERNATIVES, IDENTIFIED AS CONTRACT NO. MIS-2, PROJECT NO. 201500141

Motion by Mr. Carney seconded by Mr. Jones

DISCUSSION

Vice Chairman Carney wanted the record to note that the Board is approving the resolution because the contract allows the Authority to extend the contract. The Board is exercising an option within the existing contract.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 13 - AUTHORIZATION TO EXTEND THE CONTRACT WITH CARUS CORPORATION FOR THE FURNISHING AND DELIVERING OF POTASSIUM PERMANGANATE TO THE ERIE COUNTY WATER AUTHORITY FOR USE IN THE TREATMENT OF WATER FROM APRIL 1, 2017 THROUGH MARCH 31, 2019, PROJECT NO. 201700009, IDENTIFIED AS CONTRACT NO. 17-04-04

Motion by Mr. Carney seconded by Mr. Jones

DISCUSSION

Vice Chairman asked if the Authority has been operating without a contract since April 1, 2017? John Mogavero replied that this is an existing contract. The Board is exercising an option within the existing contract.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 14 - AUTHORIZATION TO REFUND SERVICE CONNECTION FEE TO E&R GENERAL CONSTRUCTION, INC. - \$2,000.00

Motion by Mr. Carney seconded by Mr. Jones

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 15 - AUTHORIZATION TO REFUND SERVICE CONNECTION FEE TO DAVID SARLES - \$400.00

Motion by Mr. Carney seconded by Mr. Jones

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 16 - AUTHORIZATION TO GRANT LEAK ALLOWANCE REQUESTS - \$2,027.64

Motion by Mr. Carney seconded by Mr. Jones

DISCUSSION

Commissioner Jones inquired if it is the Authority's policy that if the customer starts the repairs within a reasonable amount of time, the leak allowance is granted. Mr. Lichtenthal explained that the customer must prove that they have repaired the leak and then the Authority follows up with various meter readings over a period of time to make sure the consumption has returned to normal levels. When all those conditions have been met, then the process of granting the leak allowance can begin.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 17 - SERVICE CONNECTION WORK ORDER LIST

Motion by Mr. Schad seconded by Mr. Carney

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, Comptroller Prendergast and Human Resources Director NeMoyer at 10:01 a.m.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

Motion by Mr. Schad seconded by Mr. Jones and carried to close Executive Session at 10:43 a.m.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

Chairman Schad reported that a productive discussion was held regarding the Executive Director position and senior staff has been given instructions for follow up.

IV. - ADJOURNMENT

Motion by Mr. Jones seconded by Mr. Carney carried that the meeting adjourns at 10:44 a.m.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None



Terrence D. McCracken
Secretary to the Authority