MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 26th day of March 2019.

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, Deputy Director Karen A. Prendergast, Comptroller

Joyce A. Tomaka, Manager of Accounting Services Daniel J. NeMoyer, Director of Human Resources

Steven V. D'Amico, Business Office Manager

Russell J. Stoll, Executive Engineer

Joseph T. Burns, Deputy Administrative Director

Matthew Barrett, Security Officer

Sabrina Figler, Director of Water Quality

ATTENDEES: Donald Witkowski, Administrator, Village of Hamburg

Edward Murphy, Village Attorney Paul Gaughan, Village of Hamburg Brian Gould, E3 Communications

CALL TO ORDER AT 10:00 a.m.

PLEDGE TO THE FLAG

I. ROLL CALL

II. READING OF MINUTES

Motion by Mr. Carney seconded by Mr. Jones and carried to read the Minutes of the Meeting held on March 7, 2019.

III. APPROVAL OF MINUTES

Motion by Mr. Carney seconded by Mr. Jones and carried to approve the Minutes of the

Meeting held on March 7, 2019.

IV. REPORTS

A. SECRETARY

1. Various Legal Services RFI

McCracken

Mr. McCracken distributed a proposed RFI for Various Legal Services and asked the Commissioners to provide a list of firms to send this to.

Mr. Schad indicated he asked for this as a result of two instances last year that the Authority was in a crunch to get outside counsel and was looking for back up.

Mr. Jones asked for clarification on what an RFI was to which Ms. Murphy responded that it is just like an RFQ and that this is asking for interested firms that practice in the various types of law to submit their rates and credentials.

2. Executive Session

Discussion of Executive Director Candidates pursuant to Public Officers Law §105(1)(f)

McCracken

It was requested that this matter be deferred until the end of the meeting.

B. LEGAL

FOIL Audit Murphy

Ms. Murphy distributed a memo regarding the audit of the 2018 FOIL requests. She advised the Board that since January of 2018 the Authority had one failed FOIL. This marks a huge improvement from the previous years.

C. FISCAL

1. February Investment Report

Lichtenthal

Mr. Lichtenthal distributed and reviewed the February 2019 Investment Report. He indicated that rate increases are on hold. He also advised that the hydrant fees in the past have been charged every month and now they are charged annually which resulted in an increase in cash flow in February.

2. Monthly Financial – February

D'Amico

Steven D'Amico distributed the February 2019 Monthly Financial report. This report includes operating revenue, investment income, operating expense and net income.

D. OPERATIONS

1. National Grid Substation Replacement Service Center

Mr. Lichtenthal requested to revisit this matter. He advised that National Grid is requesting to update/maintain their substation at 3030 Union Road. He advised that they have an easement and that the substation needs maintenance. The issue is whether National Grid should move the substation to a different location or maintain the current substation. Mr. Schad indicated he thought there was an issue with the substation in its current location if the Authority plans to expand to which Mr. Lichtenthal responded that the Authority could still expand with the substation in its current location. Mr. Jones advised since there is no current plans for the Authority to expand, then the substation should be updated and potential moving of the substation would be addressed if the Authority decides to expand in the future. The Board advised Mr. Lichtenthal to have National Grid proceed with updating the substation and advised Mr. Lichtenthal to send a letter to National Grid advising them.

- E. HUMAN RESOURCES
- F. AUDIT COMMITTEE
- G. GOVERNANCE COMMITTEE
- H. FINANCE COMMITTEE
- I. ETHICS COMMITTEE

V. COMMUNICATIONS AND BILLS

ITEM 1 - Creation and/or Amendment of Master Purchase Orders:

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

ITEM 2 - Master Purchase Order Releases, Purchase Orders and Purchase Order Amendments:

Motion by Mr. Carney and seconded by Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 3 - FOIL Jennings - Receive and File

ITEM 4 - FOIL Legislator Lorigo – Receive and File

ITEM 5 - B. Medler Retirement – Receive and File –

Mr. Schad wanted to thank Mr. Medler for his years of service. Mr. McCracken noted that Mr. Medler performs a vital role to the Authority as he is the Authority's only master leak detector and has skills that are necessary to pass along to someone. He further advised that he would like to look into Mr. Medler coming back part time in some capacity to teach. Mr. NeMoyer added that there are other employees that are currently training, but Mr. Medler is exceptional at this work and requested if the Authority could accommodate a part time position to train other employees that it would be beneficial to the Authority.

Mr. Carney indicated that he does not care to have to pay a former employee to train current employees as this should have been done while he was employed at the Authority. Mr. Carney requested that Mr. McCracken, Mr. Stoll and/or Mr. NeMoyer to identify this situation throughout the Authority and set up a program to pass those necessary skills or information in order to avoid this in the future. Mr. Jones advised that this was discussed back in August of last year. He also added that has no objections to retaining some experience of people who retire to pass on institutional knowledge and skills, but that the Authority has had a number of key retirements and advised that the Board had tasked this matter to Mr. McCracken and Mr. Nemoyer to come up with a succession plan and would like to know the status of that plan. Ms. Murphy reminded the Board of the collective bargaining agreements and advised that it might not be in the job descriptions to do this training and it might be "out of title". Mr. NeMoyer advised that Mr. Medler has been training other employees on an ongoing basis but that it would be in the Authority's best interests to have an employee (former) that can do this.

It was the consensus of the Board to go forward but requested that a succession plan be presented within the next two months.

ITEM 6 - Notice of Claim – Flanagan – Receive and File

ITEM 7 – Notice of Claim – Nieman - Receive and File

VI. PERSONS ADDRESSING THE AUTHORITY

The Commissioners will hear the concerns of persons desiring to address the Commissioners on any Water Authority subject

Mr. McCracken advised the following individuals present:

Edward Murphy, Village of Hamburg Attorney, Mr. Paul Gaughan, Village Trustee, and Mr. Donald Witkowski, Village Administrator.

Mr. Murphy addressed the Board regarding the consolidation of the Village water system with the Authority. He advised that the Village applied and received a grant, which requires the Village and the Authority to enter into a Memorandum of Understanding ("MOU"). Mr. Murphy voiced his concerns that if there is no MOU, the Village will lose some of its grant monies. Ms. Murphy advised that she will work with the Village to enter into an MOU, but she needs the Board's permission to go Direct Serve with the Village.

Mr. Carney asked Mr. Stoll if he is comfortable to sign off on the Memorandum of Understanding to which he advised that the Village is working on their end to perform the necessary upgrades so he confirmed they can move forward with the MOU.

Mr. Carney advised to move forward and have something back to the Board by June of this year and further added that the Authority cannot and should not discourage municipalities from doing business with the Authority.

VII. UNFINISHED BUSINESS

VIII. NEW BUSINESS

ITEM 8 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR FURNISHING AND DELIVERING POLYALUMINUM CHLORIDE COAGULANT TO THE ERIE COUNTY WATER AUTHORITY FOR USE IN THE TREATMENT OF WATER, FOR A PERIOD OF TWO YEARS, JULY 1, 2019 THROUGH JUNE 30, 2021, PROJECT NO. 201900031

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 9 - AUTHORIZATION TO ADVERTISE FOR BIDS TO FURNISH AND DELIVER AUTOMATIC TRANSFER SWITCH FOR HARRIS HILL PUMP STATION, PROJECT NO. 201900040

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

Mr. Schad asked if this was water or electric transfer switch to which Mr. Stoll advised this is electric

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 10 - AWARD OF CONTRACT TO JCI JONES CHEMICALS, INC. FOR FURNISHING AND DELIVERING OF LIQUID CHLORINE IN ONE TON CONTAINERS TO THE ERIE COUNTY WATER AUTHORITY FOR THE TREATMENT OF WATER FROM MAY 1, 2019 THROUGH APRIL 30, 2021, PROJECT NO. 201900007 - \$434,250.00

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

Mr. Jones asked if this was a sole bidder. Mr. Stoll advised that this is and has been a sole bidder for many years and added that moving chlorine is not something that companies want to tackle.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

ITEM 11 - APPROVAL OF CHANGE ORDER NO. 3 OF FERGUSON ELECTRIC CONSTRUCTION CO., INC. FOR BALL PUMP STATION ELECTRICAL, PROJECT NO. 201600238, CONTRACT NO. 18-19-07

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 12 - AWARD OF CONTRACT TO 716 SITE CONTRACTING, INC. FOR WATER SYSTEM IMPROVEMENTS IN THE TOWN OF CHEEKTOWAGA, CONTRACT NO. CH-010, PROJECT NO. 201800075 - \$2,399,415.00

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

It was noted that there are corrections on mathematical that was done by the consultants and that the changes did not change the order of bidders.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 13 - AUTHORIZATION TO ENTER INTO AN AGREEMENT FOR TOWN OF TONAWANDA TO ACCESS AUTHORITY'S GPS BASE STATION, PROJECT NO. 201000099

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

This was on staff at the last meeting – the question was whether there was sufficient protection. Ms. Murphy advised Mr. Alessi required cyber security. Russ conformed this is not connected to our main system.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

ITEM 14 - APPROVAL OF CHANGE ORDER NO. 1 OF AMSTAR OF WESTERN NY, INC. FOR STORAGE TANK REFURBISHING, GROUND, PROJECT NO. 201700100 CONTRACT NO. W-26-A

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

Mr. Carney asked for clarification that this is strictly a time extension. Ms. Prendergast responded it is for time and a decrease in monies.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 15 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH CHA CONSULTING, INC. FOR WATERLINE REPLACEMENT PROJECT – LAKE SHORE ROAD (ROUTE 5) – NYSDOT BETTERMENT, PROJECT NO. 201900071

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 16 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH CLARK PATTERSON LEE. FOR WATER SYSTEM IMPROVEMENTS PROJECT – VILLAGE OF SLOAN, PROJECT NO. 201900072

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

ITEM 17 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH NUSSBAUMER & CLARKE, INC. FOR WATER SYSTEM IMPROVEMENTS PROJECT – TOWN OF AMHERST AND CHEEKTOWAGA, PROJECT NO. 201900073

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 18 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH CHA CONSULTING, INC. FOR WATER SYSTEM IMPROVEMENTS PROJECT – TOWN OF CHEEKTOWAGA, PROJECT NO. 201900074

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 19 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH WM. SCHUTT & ASSOCIATES FOR WATER SYSTEM IMPROVEMENTS PROJECT – CITY OF TONAWANDA AND LACKAWANNA, VILLAGE OF BLASDELL, TOWN OF CHEEKTOWAGA, WEST SENECA AND HAMBURG, PROJECT NO. 201900075

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

ITEM 20 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH GREENMAN-PEDERSEN, INC. FOR WATER SYSTEM IMPROVEMENTS PROJECT – TOWN OF HAMBURG AND WEST SENECA, CITY OF LACKAWANNA, PROJECT NO. 201900076

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

Mr. Carney noted that with respect to items 15 - 20 above that he reviewed each contract, specifications and notes and finds they are all in conformity and the firms are not only qualified, but best prices. Mr. Schad concurred.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 21 - AWARD OF CONTRACT TO CMH COMPANY, INC. FOR WATER SYSTEM IMPROVEMENTS, VILLAGE OF DEPEW AND TOWN OF WEST SENECA, GP-007, PROJECT NO. 201800080 - \$2,487,490.00

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 22 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR CONTRACT NO. W-027, 36-INCH TRANSMISSION MAIN REPLACEMENT PROJECT BETWEEN MILLERSPORT HIGHWAY AND SHERIDAN DRIVE, TOWN OF AMHERST, NY, PROJECT NO. 201700093

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

ITEM 23 - AWARD OF CONTRACT TO NEW FRONTIER EXCAVATING AND PAVING, INC. FOR CPL-004, WATER SYSTEM IMPROVEMENTS, TOWN OF CLARENCE, NEW YORK PROJECT NO. 201800079 - \$1,617,400.00

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 24 - FINAL ACCEPTANCE OF PROJECT WITH STC CONSTRUCTION, INC. FOR STURGEON POINT RAW WATER PUMP STATION IMPROVEMENTS, PROJECT NO. 201500175, CONTRACT NO. NC-34 - \$74,810.94

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 25 - RESOLUTION GRANTING THE STATE OF NEW YORK AUTHORITY TO PERFORM THE ADJUSTMENT FOR THE OWNER AND AGREEING TO MAINTAIN FACILITIES ADJUSTED VIA STATE-LET CONTRACT

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

ITEM 26 - RATIFICATION OF THE INSTALLATION OF HYDRANTS, VALVES, AND MAINS - VARIOUS LOCATIONS

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 27 - AUTHORIZATION TO ACCEPT PROPOSAL OF DATO DEVELOPMENT, LLC AND RUSSO DEVELOPMENT, INC. FOR THE CONSTRUCTION AND INSTALLATION OF APPROXIMATELY 1115+ LF OF 8-INCH PVC WATERMAIN, TWO HYDRANTS, AND ONE (1) VALVE IN SHERWOOD MEADOWS SUBDIVISION PHASE 4, PHASE 1, TOWN OF HAMBURG, PROJECT NO: 201600216

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 28 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2019

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

ITEM 29 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2019

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 30 - AUTHORIZATION TO EXTEND THE PROFESSIONAL SERVICES CONTRACT WITH CAPITAL MARKETS ADVISORS, LLC. TO PROVIDE FINANCIAL ADVISORY SERVICES TO ERIE COUNTY WATER AUTHORITY, PROJECT NO. 201600069

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

Mr. Carney went over this with Mr. Lichtenthal and although he is not in favor of extending contracts, he feels that this is in the best interests of the Authority to extend the contract at this time.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 31 - AUTHORIZATION FOR THE CHAIRMAN TO DESIGNATE SUSAN L. RINALDO, CASH MANAGER AS THE ENTITY ADMINISTRATOR FOR THE SYSTEM FOR AWARD MANAGEMENT (SAM)

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

ITEM 32 - AUTHORIZATION FOR RUSSELL J. STOLL, EXECUTIVE ENGINEER TO ATTEND THE AMERICAN WATER WORKS ASSOCIATION 2019 ANNUAL CONFERENCE & EXPOSITION IN DENVER COLORADO FROM JUNE 9, 2019 THROUGH JUNE 12, 2019

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

Mr. Carney asked if there was anyone else that could benefit from going. Ms. Prendergast advised she will look at the program to see if there is anything that she could benefit from. Mr. Stoll suggested that Mr. Kowalski could benefit. Mr. Schad added that there are numerous conferences available and encourages employees to take advantage of them.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 33 - AUTHORIZATION TO APPROVE THE ERIE COUNTY WATER AUTHORITY'S ANNUAL INVESTMENT REPORT WITH AUDIT AND THE ANNUAL INVESTMENT GUIDELINES

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 34 - AUTHORIZATION TO RESCIND POLICY NO. 95 COMMUNICATION PRIVACY POLICY OF THE ERIE COUNTY WATER AUTHORITY'S HR POLICIES AND PROCEDURES MANUAL AND AUTHORIZATION TO ADOPT AN INTERNET PRIVACY POLICY AND TERMS OF USE TO BE INCLUDED ON THE ERIE COUNTY WATER AUTHORITY WEBSITE

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 35 - ADOPTION OF A POLICY FOR DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS, OFFICERS AND EMPLOYEES

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

Ms. Murphy recommended that this become a part of the Annual Meeting.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 36 - AUTHORIZATION TO ADOPT CODE OF ETHICS POLICY, ECWA FINANCIAL DISCLOSURE STATEMENT AND VENDOR LIST

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

Mr. Schad added that this is a very good move on behalf of the Authority,

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 37 - MILESTONE ACHIEVEMENTS FOSTERING OPEN AND TRANSPARENT OPERATION OF THE ERIE COUNTY WATER AUTHORITY

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

ITEM 38 - AUTHORIZATION TO FILE THE PUBLIC AUTHORITY REPORTING INFORMATION SYSTEM (PARIS) 2018 ANNUAL REPORT TO THE NEW YORK STATE AUTHORITY BUDGET OFFICE

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

Mr. Carney took a moment to thank all the staff for getting this done and acknowledged that this is a huge undertaking and just wanted to thank everyone for their help.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 39 - AUTHORIZATION TO ACCEPT THE CONSTRUCTION AND INSTALLATION OF APPROXIMATELY 1397 ± LINEAR FEET OF 8-INCH PVC AND 46 ± LINEAR FEET OF 8-INCH DIP WATERMAIN IN SPAULDING GREEN PHASE 6B, TOWN OF CLARENCE, NEW YORK, PROJECT NO: 201800101

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

Motion made by Carney, seconded by Mr. Jones to go into Executive Session pursuant to Public Officers Law Section 105 for the discussion of Executive Director Candidates at 11:01 a.m. and Mr. Schad invited Mr. McCracken, Ms. Murphy, Ms. Prendergast and Mr. Lichtenthal.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

Mr. Schad made a motion and seconded by Mr. Carney to leave Executive Session at 11:35 a.m.

DISCUSSION

After Executive Session it was determined that staff will seek the services of a headhunter and bring a proposal back to the Board at the next meeting.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

IX. ADJOURNMENT

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

Terrence D. McCracken Secretary to the Authority

SLZ