

NEW BUSINESS

ITEM 1 - MASTER PURCHASE ORDERS, RELEASES FROM MASTER PURCHASE ORDERS, PURCHASE ORDERS, AND AMENDMENTS OF SAME

Motion by _____ seconded by _____ and carried to approve creation and payment of attached master purchase orders, releases from master purchase orders, and purchase orders and amendments of same, after certification by the Director of Administration and the Comptroller that the orders and amendments thereof are in accordance with the Authority's By-Laws and Procurement Guidelines.

Ayes:

Noes:

05/16/19

ITEM 2 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH LAWLEY SERVICE, INC. TO PROVIDE RISK MANAGEMENT AND INSURANCE BROKER SERVICES, PROJECT NO. 201900047

Motion by seconded by

WHEREAS, the Erie County Water Authority's ("Authority") Board of Commissioners desire to contract with Lawley Service, Inc. to provide risk management and insurance broker services; and

WHEREAS, Lawley Service, Inc. represents it is properly qualified to render such services; and

WHEREAS, Lawley Service, Inc. has submitted a Professional Services Contract to provide the abovementioned services; and

WHEREAS, Jacqueline Mattina, Associate Attorney recommends that the Authority enter into a Professional Services Contract with Lawley Service, Inc. to provide risk management and insurance broker services; and

NOW, THEREFORE, BE IT RESOLVED:

That the Authority enters into a Professional Services Contract with Lawley Service, Inc. to provide risk management and insurance broker services; and be it further

RESOLVED: That the Chairman is hereby authorized to execute all and any agreements necessary on behalf of the Authority; and be it further

RESOLVED: That the Secretary is hereby authorized to forward a certified copy of this resolution to Lawley Service, Inc.

Ayes:

Noes:

05/16/19-pjf

ITEM 3 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR STURGEON POINT WTP SLUDGE REMOVAL, DISPOSAL AND RELOCATION, PROJECT NO. 201900091

Motion by seconded by

WHEREAS, Russell J. Stoll, Executive Engineer and David Patton, Sr. Production Engineer recommend that the Erie County Water Authority ("Authority") publish a notice inviting sealed bids or proposals pursuant to Section 1069 of the Public Authorities Law for Sturgeon Point WTP Sludge Removal, Disposal and Relocation; and

WHEREAS, the work, labor and services for the abovementioned project is estimated to cost an amount in excess of \$10,000.00; and

WHEREAS, the Advertisement for Bids for Sturgeon Point WTP Sludge Removal, Disposal and Relocation will be conducted pursuant to the enacted legislation, New York State Finance Law Sections 139-j and 139-k and the Authority's Purchasing Guidelines, Policies and Procedures; and

WHEREAS, Leonard F. Kowalski, Sr. Distribution Engineer will be the designated contact person for the project with the adoption of this resolution;

NOW, THEREFORE, BE IT RESOLVED:

That the plans and specifications and form of bid be prepared for the Sturgeon Point WTP Sludge Removal, Disposal and Relocation and upon completion be made available for inspection by bidders in the office of the Authority; and be it further

RESOLVED: That the Secretary is hereby authorized and directed to publish a notice inviting sealed bids or proposals pursuant to Section 1069 of the Public Authorities Law for the abovementioned project.

Ayes:

Noes:

05/16/19-pjf

ITEM 4 - AUTHORIZATION TO GRANT LEAK ALLOWANCE REQUEST - \$2,278.16

Motion by seconded by

WHEREAS, Robert J. Lichtenthal, Jr., Deputy Director advised the Authority that he has received a leak allowance request from an Authority customer listed below resulting from a service line leak:

- 1) Michael Joly
51 Edward Street
Williamsville, NY 14221
\$2,278.16; and

WHEREAS, Robert J. Lichtenthal, Jr., Deputy Director advised that the request contains documentation showing that the leak has been repaired; and

WHEREAS, said leak allowance request has complied with all leak allowance requirements; and

WHEREAS, as stated in Section 9.09 of the Authority's Tariff, the granting of a leak allowance shall be in the sole discretion of the Authority; and

WHEREAS, Robert J. Lichtenthal, Jr., Deputy Director recommends granting the above leak allowance request;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority grant the leak allowance request to the abovementioned customer; and be it further

RESOLVED: That the Comptroller is authorized to adjust the account of the abovementioned customer.

Ayes:

Noes:

05/16/19-pjf

**ITEM 5 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER
AUTHORITY'S ANNUAL O & M BUDGET FOR FISCAL YEAR 2019**

Motion by seconded by

WHEREAS, in a resolution dated November 1, 2018, the Erie County Water Authority (the "Authority") adopted its Annual Operating & Maintenance Budget for the fiscal year 2018; and

WHEREAS, from time to time, due to changes in spending priorities, availability of funds, or changes in other circumstances the Authority finds it proper to amend its Budget to reflect such changes; and

WHEREAS, in order to streamline operations, the Authority has determined that it is advisable to fund one position of Sr. Production Engineer; and

WHEREAS, in order to fund the position of Sr. Production Engineer, funds will be used from funded and vacant positions as follows:

<u>Unit</u> <u>No</u>	<u>Internal No:</u>	<u>Description</u>	<u>Increase</u>	<u>Decrease</u>
1010	00	Supervision	\$ 77,362	
1010	08	Fringe Benefits	<u>42,101</u>	
1010	00	Supervision		\$ 35,000
1010	08	Fringe Benefits		19,047
1015	00	Supervision		27,362
1015	08	Fringe Benefits		14,891
1030	00	Supervision		15,000
1030	08	Fringe Benefits		<u>8,163</u>
		Totals	\$ 119,463	\$ 119,463

NOW, THEREFORE, BE IT RESOLVED:

That the Authority's Annual O & M Budget, for the fiscal year 2019, be amended by funding one position of Sr. Production Engineer as shown above.

Ayes:

Noes:

05/16/19-SVD:pjf

**ITEM 6 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER
AUTHORITY'S ANNUAL O & M BUDGET FOR FISCAL YEAR 2019**

Motion by seconded by

WHEREAS, in a resolution dated November 1, 2018, the Erie County Water Authority (the "Authority") adopted its Annual Operating & Maintenance Budget for the fiscal year 2018; and

WHEREAS, from time to time, due to changes in spending priorities, availability of funds, or changes in other circumstances the Authority finds it proper to amend its Budget to reflect such changes; and

WHEREAS, in order to streamline operations, the Authority has determined that it is advisable to fund one additional position of Account Clerk; and

WHEREAS, in order to fund the position of Account Clerk, funds will be used from funded and vacant positions as follows:

<u>Unit</u>	<u>Internal No:</u>	<u>Description</u>	<u>Increase</u>	<u>Decrease</u>
<u>No</u>				
4020	01	Salaries	\$ 26,557	
4020	08	Fringe Benefits	<u>14,452</u>	
4020	01	Salaries		\$ 26,557
4020	08	Fringe Benefits		<u>14,452</u>
		Totals	\$ 41,009	\$ 41,009

NOW, THEREFORE, BE IT RESOLVED:

That the Authority's Annual O & M Budget, for the fiscal year 2019, be amended by funding one additional position of Account Clerk as shown above.

Ayes:

Noes:

05/16/19-SVD:pjf

**ITEM 7 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER
AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2019**

Motion by seconded by

WHEREAS, in a resolution dated November 1, 2018, the Erie County Water Authority (the "Authority") adopted its Annual Capital Budget for the fiscal year 2019; and

WHEREAS, from time to time, due to changes in spending priorities, availability of funds, or changes in other circumstances, the Authority finds it proper to amend its Budget to reflect such changes; and

WHEREAS, the Authority has been advised by David Patton, Sr. Production Engineer, that funding is needed to cover deemed necessary projects and overrun costs for projects not completed in 2018; and

WHEREAS, funding for these projects was not initially included in the 2019 capital budget; and

WHEREAS, in order to provide funding for these projects, funds within the Capital Budget will need to be re-allocated as follows:

<u>Unit No</u>	<u>Capital No:</u>	<u>Description</u>	<u>Increase</u>	<u>Decrease</u>
1010	101294	HVAC High Service Upgrades	\$ 148,500	
1010	101433	Sludge Density Meter Replacement	51,900	
1010	101434	Caustic Feed System Pump	113,736	
1015	101436	Crane Upgrades	10,000	
1020	101437	Pump Replacements Jewett Holmwood & Marilla	<u>120,000</u>	
1010	101377	High Svc Pump Replacement		\$ 41,600
1010	101380	Safety Permanent Eyewash/Shower		55,000
1010	101284	Residual Process & Lagoon Study		48,400
1010	101398	HACH Turbidity Meters		51,900
1015	101244	Sludge Plant Study		100,736
1015	101399	HACH Turbidity Meters		47,700
1015	101415	Safety Permanent Eyewash/Shower		55,000
1020	101371	Pump Replacements East Aurora and Clark St		<u>43,800</u>
Totals			\$ 444,136	\$ 444,136

NOW, THEREFORE, BE IT RESOLVED:

That the Authority's Annual Capital Budget for the fiscal year 2019 be amended as listed above.

Ayes:

Noes:

05/16/19-SVD:pjf

**ITEM 8 - CREATION OF ONE POSITION OF CHIEF FINANCIAL OFFICER
(ECWA)**

Motion by seconded by

WHEREAS, pursuant to Public Authorities Law § 1053 and Article V, §6 of the Amended and Restated By-Laws of the Erie County Water Authority, the Board of Commissioners have the power to create “such additional officers and employees as it may require for the performance of its duties, fix and determine their qualifications, duties and compensation, subject to the provisions of the Civil Service Law of the State of New York and such rules as the Personnel Officer of the Count of Erie may adopt and make applicable to such authority;” and

WHEREAS, the Board intends to adopt a new organizational structure with four divisions: Office of the Secretary, Legal, Operations, and Finance & Administration; and

WHEREAS, under this organizational plan, a Chief Financial Officer would head the Finance & Administration Division; and

WHEREAS, the Board intends the Chief Financial Officer to report directly to the Board and whose position would be classified as confidential and exempt, as other positions of other division heads have been classified; and

WHEREAS, the Erie County Personnel Department has already reviewed and approved the job specifications for the position of Chief Financial Officer (ECWA) and has tentatively classified the position as “pending jurisdictional classification;”

NOW, THEREFORE, BE IT RESOLVED:

That the Erie County Water Authority does hereby create the position of Chief Financial Officer (ECWA), Salary Grade 37E of the Authority’s Career and Salary Plan effective May 16, 2019; and be it further

RESOLVED: That the Secretary’s Office will forward a duly executed Statement of Justification to the Erie County Department of Personnel noting the Authority’s action of the creation; and be it further

RESOLVED: The Board approves the written statement to be signed by the Chair, setting forth the reasons and justifications as to why the position of Chief Financial Officer (ECWA) should be classified as “exempt.”

Ayes:

Noes:

ITEM 9 - ADOPTION OF A NEW ORGANIZATIONAL CHART FOR THE ERIE COUNTY WATER AUTHORITY

Motion by seconded by

WHEREAS, pursuant to Public Authorities Law § 2824, the Board of Commissioners (the “Board”) of the Erie County Water Authority must execute direct oversight over its executive staff to ensure the effective and ethical management of the Authority; and

WHEREAS, the Board has determined that the most effective means to execute direct oversight over the Authority’s operation is by creating four divisions under the charge of four division heads, having equal rank with the Board and serving at the Board’s pleasure; and

WHEREAS, under this new organization plan, the following divisions will be created: the Office of the Secretary under the charge of the Secretary of the Authority, the Legal Division under the charge of the Authority’s Attorney, the Financial & Administration Division under the charge of the Chief Financial Officer, and the Operations Division under the charge of the Chief Operating Officer (whose job duties and responsibilities are defined under the job specification of the Executive Director); and

WHEREAS, each division will be a check and balance over the operations of the other divisions, ensuring the Authority has adopted and implemented the best practices and is adhering to the legal and ethics standards established by state law and by the policies and procedures adopted by the Board; and

WHEREAS, each division head shall work collaboratively with other division heads in the running of the day-to-day activities of the Authority and will assist the Board in the development and implementation of policies; and

WHEREAS, under this organizational structure, the Secretary of the Authority who oversees the Human Resource Department will be responsible for realigning staff positions to better address function and workload and to encourage opportunities for career advancement;

NOW, THEREFORE BE IT RESOLVED:

That the Board of Commissioners adopt an organizational chart, as submitted by the Secretary of the Authority; and be it further

RESOLVED: That this newly adopted organizational chart will be posted on the Authority’s website.

Ayes:

Noes:

ITEM 10 - APPOINTMENT OF KAREN A. PRENDERGAST TO THE POSITION OF CHIEF FINANCIAL OFFICER

Motion by seconded by

WHEREAS, the Board of Commissioners (the “Board”) of the Erie County Water Authority (the “Authority”) has adopted a new organizational structure, and as part of that new organization structure has created the position of Chief Financial Officer; and

WHEREAS, the Chief Financial Officer serves as one of four division heads, in charge of the Finance & Administrative Division; and

WHEREAS, pursuant to Section 6, paragraph (a)(1) of Policy No. 92.0, the Board has the authority to “recruit and appoint all Division Heads who serve at the Board’s pleasure;” and

WHEREAS, the Board has the discretion to recruit and appoint a specific individual, who has the necessary qualifications, training and experience to serve as a division head and whom the Board has confidence in his/her ability to work in a collaboratively fashion with the Board and other division heads and to faithfully serve the Authority’s best interests; and

WHEREAS, Karen A. Prendergast has faithfully served the Authority for more than 27 years, and through merit, has risen through the ranks to serve as the Authority’s Comptroller for the last 9 years; and

WHEREAS, serving as Comptroller, Ms. Prendergast has been responsible for the Authority’s fiscal affairs, consulting on investments, bond issues, budget matters, rate settings and financial trends; and

WHEREAS, as Comptroller, Ms. Prendergast has established the Authority’s accounting systems, and has overseen the operation of the Finance Department which includes Accounting, Cash Management, Business Office and Meter Shop. She manages the Authority’s annual financial audit, coordinates with other key Authority personnel the filing of the annual PARIS report with the Authorities Budget Office, and is responsible for preparing and overseeing annual and monthly financial statements, the annual budget and amendments, the Comprehensive Annual Financial Report (CAFR) and evaluating the impact of and implementing the Governmental Accounting Board Standards (GASB); and

WHEREAS, Ms. Prendergast exemplifies the ideal candidate for the position of Chief Financial Officer. She has upheld the high standards of a dedicated public servant, while supporting and encouraging her fellow employees in the proper execution of their duties and has the support and confidence of this Board;

NOW, THEREFORE BE IT RESOLVED:

Effective as of this date, the Board appoints Karen A. Prendergast to the position of Chief Financial Officer at Salary Grade 37E, step ____; and it is further

RESOLVED:

That the Board continues Karen A. Prendergast's leave of absence from her permanent civil service position of Assistant Manager of Accounting Services while she serves as the Authority's Chief Financial Officer.

Ayes:

Noes:

05/16/19-MAM:pjf

ITEM 11 - APPOINTMENT OF AN INTERIM EXECUTIVE DIRECTOR

Motion by seconded by

WHEREAS, Deputy Director Robert B. Lichtenthal has notified the Board of Commissioners (the “Board”) of the Erie County Water Authority (the “Authority”) of his retirement effective May 28, 2019; and

WHEREAS, in accordance with the job specification for the position of Deputy Director, Mr. Lichtenthal has been required to serve “in the place of the Executive Director, when or where required, in the absence of the Executive Director;” and

WHEREAS, the Board has created a new position of Chief Financial Officer (“CFO”) whose job specifications states, “[i]n the absence of the Executive Director, the Chief Financial Officer serves as the Interim Executive Director unless action is otherwise taken by the Board;” and

WHEREAS, the Board has appointed Karen A. Prendergast to the position of Chief Financial Officer, effective May 16, 2019;

NOW, THEREFORE BE IT RESOLVED:

Until May 28, 2019, Robert B. Lichtenthal will continue to serve “in the place of the Executive Director, when or where required, in the absence of the Executive Director;” and it is further

RESOLVED:

Effective May 28, 2019, Karen A. Prendergast will serve an Interim Executive Director until the Board fills the position of Executive Director as the Authority’s Chief Operating Officer, and be it further

RESOLVED:

Effective immediately, Ms. Prendergast will serve as the Executive Director, when or where required, in the absence of Mr. Lichtenthal prior to his retirement.

Ayes:

Noes:

**ITEM 12 - APPOINTMENT OF JOYCE A. TOMAKA TO THE POSITION OF
TEMPORARY COMPTROLLER**

Motion by seconded by

WHEREAS, the Board of Commissioners (the “Board”) of the Erie County Water Authority (the “Authority”) has appointed Karen Prendergast as the Authority’s Chief Financial Officer, effective as of this date, and thereby leaving the position of Comptroller vacant; and

WHEREAS, the position of Comptroller has been classified as an exempt under the Civil Service Law; and

WHEREAS, pursuant to Section 6, paragraph (b) (3) of Policy No. 92.0, the job specification for Comptroller will be posted on the Authority’s website for one week; and

WHEREAS, due to the nature and responsibilities of Comptroller, the Board deems it necessary to fill the vacancy immediately; and

WHEREAS, Terrence D. McCracken and Karen A. Prendergast recommend the Authority appoint Joyce Tomaka, Manager of Accounting Services as Comptroller on a temporary basis until the recruitment process for Comptroller has been completed;

WHEREAS, the Erie County Department of Personnel has reviewed and approved Ms. Tomaka’s qualifications for the position of Comptroller; and be it further

NOW, THEREFORE, BE IT RESOLVED:

That Joyce Tomaka, until the recruitment process for Comptroller has been completed, be appointed to the position of Comptroller on a temporary basis at Salary Grade 33E, step 1 effective May 16, 2019; and be it further

RESOLVED: That Joyce Tomaka is granted a leave of absence from her permanent position of Assistant Manager of Accounting Services during the duration of her temporary appointment as Comptroller.

Ayes:

Noes:

05/16/19-pjf

ITEM 13 - AUTHORIZATION TO AMEND THE SALARY GRADES FOR THE POSITION OF SECRETARY AND ATTORNEY

Motion by seconded by

WHEREAS, the Board of Commissioners (the “Board”) of the Erie County Water Authority has contemplated, considered and approved a change in the Authority’s organizational structure, as reflected in the Organizational Chart approved and adopted by the Board on this day; and

WHEREAS, under this new organizational structure, the Board has created four divisions: Operations, Finance & Administration, Office of the Secretary, and Legal; and

WHEREAS, each division has a division head reporting directly to the Board, who shall work collaboratively with other division heads in the running of the day-to-day activities of the Authority; and

WHEREAS, these four division heads represent the Senior Executive Staff of the Authority, who advises the Board on all issues relating to governance, finance, and operations and who assists the Board in development and implementation of policy; and

WHEREAS, the Board intends each of these division heads to have equal authority and responsibilities over his/her division consistent with the Authority’s enabling statute, its by-laws, policies and regulations; and

WHEREAS, the Board has designated the position of Executive Director (designated on the Organizational Chart as Chief Operating Officer), whose salary grade has been set at 37E, as the division head of the Operation Division; and

WHEREAS, the Board has now created the position of Chief Financial Officer, whose salary grade has been set at 37E, as the division head of Finance & Administration; and

WHEREAS, two remaining division heads, the Attorney and the Secretary of the Authority, currently have a salary grade of 36 E; and

WHEREAS, Secretary Terrence McCracken and Attorney Margaret Murphy were appointed to their respective position at a time when the salary grade for the Executive Director was set at 36E; and

WHEREAS, the Board finds the current salary grade for the positions of Secretary of the Authority and Attorney inconsistent with its plan to have four division heads with equal rank, reporting directly to the Board;

NOW, THEREFORE, BE IT RESOLVED:

That the positions of Secretary of the Authority and Attorney be moved in a salary grade of 37E;

BE IT FURTHER RESOLVED:

The Board directs the Chief Financial Officer to move Secretary McCracken to Step 3 of Salary Grade 37E and to move Attorney Murphy to Step 2 of Salary Grade 37E, resulting in a net reduction to the annual salaries set for these positions in the 2019 Annual Budget.

Ayes:

Noes:

05/16/19-MAM:pjf

ITEM 14 - MICHAEL LEE – LEAVE OF ABSENCE

Motion by seconded by

WHEREAS, Michael Lee, Diesel Generator Mechanic has requested that the Erie County Water Authority Board of Commissioners grant him a leave of absence without pay retroactive to May 15, 2019; and

WHEREAS, pursuant to Policy No. 61 Leaves of Absence of the Erie County Water Authority's Policy and Procedure Manual, the decision to grant the leave without pay rests with the Board of Commissioners; and

WHEREAS, pursuant to the Brotherhood of Western New York Water Workers' Collective Bargaining, vacation leave in excess of five days, if not taken, shall expire at the end of each calendar year; and

WHEREAS, due to the fact that Mr. Lee's leave will continue through the end of the 2019 calendar year, he has also requested to be compensated for any unused vacation;

NOW, THEREFORE, BE IT RESOLVED:

That the Erie County Water Authority Board of Commissioners grant Michael Lee, Diesel Generator Mechanic a one year leave of absence without pay retroactive to May 15, 2019; and be it further

RESOLVED: That the Comptroller is authorized to pay Mr. Lee his unused vacation days.

Ayes:

Noes:

05/16/19-pjf