

**MINUTES of the FINANCE COMMITTEE MEETING of the ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 17th day of May, 2018 as amended on August 16, 2018

**PRESENT:** Jerome D. Schad, Chairman  
 Mark S. Carney, Vice Chairman  
 Karl J. Simmeth, Jr., Treasurer  
 Terrence D. McCracken, Secretary to the Authority  
 Robert J. Lichtenthal, Jr., Deputy Director  
 Earl Jann, Executive Director  
 Russell J. Stoll, Executive Engineer  
 Karen A. Prendergast, Comptroller  
 Daniel J. NeMoyer, Director of Human Resources  
 Jacqueline Mattina, Deputy Associate Attorney  
 John J. Mogavero, Chemist/Chief WTPO  
 Paul J. Whittam, Director of Water Quality  
 Joseph T. Burns, Deputy Administrative Director  
 Anthony Alessi, Claims Representative/Risk Manager  
 Steven V. D'Amico, Business Office Manager

**ATTENDEES:** Mike Wymer  
 Gerald Summe  
 Sandra Tan  
 Jeff Preval, Channel 2  
 David Morales, Channel 7

**CALL TO ORDER**

**PLEDGE TO THE FLAG**

**I. - ROLL CALL**

**II. - READING OF MINUTES**

Motion by Mr. Simmeth seconded by Mr. Schad and carried to waive the reading of the Minutes of the Meeting held on Thursday, April 25, 2018.

**DISCUSSION**

None

**VOTE**

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

**III. - APPROVAL OF MINUTES**

Motion by Mr. Simmeth seconded by Mr. Schad and carried to approve the Minutes of the Meeting held on Thursday, April 25, 2018.

**DISCUSSION**

None

**VOTE**

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

**IV. - REPORTS**

**V. - COMMUNICATIONS AND BILLS**

**VI. - UNFINISHED BUSINESS**

**VII. - NEW BUSINESS**

A. Request for Information – Legal Services (Bond Counsel)

**DISCUSSION**

Robert Lichtenthal distributed a memo relative to the Legal Services RFI. Mr. Lichtenthal informed the Board, based on their request, that he has spoken to Philips Lytle LLP and Trespasz & Marquardt, LLP for the purpose of potentially entering a fixed fee arrangement and if a cap could be negotiated. Phillips Lytle offered \$19,500 capped except out of pocket expenses. Trespasz & Marquardt, LLP were pretty firm on their quote which was \$50,000. With respect to the question of conflicts, a representative of Pearlman and Miranda sent Mr. Lichtenthal the cover of a Preliminary Official Statement on a deal in which the firm is acting as a Disclosure Counsel for the issuer. Jeffries LLC is acting as a co-manager for the sale of the bonds. Therefore, based on the above, Deputy Director Lichtenthal recommended to the Finance Committee and ultimately to the Board of Commissioners that they enter into and accept Philips Lytle as the Authority's bond counsel for the 2018 revenue bond offering.

Motion by Mr. Carney seconded by Mr. Simmeth to recommend to the Board of Commissioners of the Erie County Water Authority that the Authority retains Philips Lytle for the purpose of Bond Counsel for the 2018 Revenue Bond Offering.

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Simmeth

Noes: None

**VIII. - ADJOURNMENT**

Motion by Mr. Carney, second by Mr. Simmeth and carried that the meeting adjourn.

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Simmeth

Noes: None



Terrence D. McCracken  
Secretary to the Authority

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