



CLIFTON PARK WATER AUTHORITY

BOARD MEETING MINUTES

JANUARY 11, 2023

Those present were: Mr. Helmut Gerstenberger, Chairman; Mr. John Ryan, Vice Chairman; Mr. William Butler, Treasurer; Ms. Heather Brondi, Secretary; Mr. Peter Taubkin, Board Member; Mr. Donald Austin Jr., Administrator; Mr. Ronald Marshall, Superintendent; and Mr. James Trainor, Attorney.

Mr. Gerstenberger called the meeting to order at 7:07pm.

APPROVE MINUTES OF DECEMBER 13, 2022 MEETING

Mr. Gerstenberger made a motion to approve the December 13, 2022 board meeting minutes; seconded by Mr. Ryan. The motion carried 5-0.

PRIVILEGE OF THE FLOOR

No members of the public present.

OLD BUSINESS

AT&T REQUEST FOR EQUIPMENT MODIFICATION

Mr. Trainor reported that AT&T has agreed to the 30% rent increase but in exchange they want some significant changes to the lease. He hasn't reviewed the updated lease in detail but as he understands it the major change is that they don't want the CPWA to have to consent to any modifications in the future. The Board was not in favor of this change. Mr. Austin stated that AT&T also has a modification request in for the Boyack tank as well. Delaware Engineering is reviewing the structural on that request. Mr. Austin doesn't believe there will be any need for lease adjustments on the Boyack agreement.

NEW BUSINESS

ORGANIZATIONAL RESOLUTIONS

A motion was made by Mr. Gerstenberger authorizing Resolution #1, 2023, an Organizational Resolution; seconded by Mr. Butler.

RESOLUTION #1, 2023 – AN ORGANIZATIONAL RESOLUTION

Pursuant to Section 1120-c(3) the following persons are appointed as Vice Chairman, Treasurer, and Secretary of the Clifton Park Water Authority.

Vice Chairman: John Ryan
Treasurer: Bill Butler
Secretary: Heather Brondi

Roll Call Vote:

Mr. Gerstenberger	- Aye
Mr. Ryan	- Aye
Mr. Taubkin	- Aye
Mr. Butler	- Aye
Ms. Brondi	- Aye

A **motion** was made by Mr. Gerstenberger authorizing Resolution #2, 2023; an Organizational Resolution; seconded by Mr. Ryan.

RESOLUTION #2, 2023 – APPOINTING WATER AUTHORITY ATTORNEY

NOW THEREFORE BE IT

RESOLVED, that the Clifton Park Water Authority hereby appoints James Trainor of Trainor Law PLLC to the position of Authority Attorney.

Roll Call Vote:

Mr. Gerstenberger	- Aye
Mr. Ryan	- Aye
Mr. Taubkin	- Aye
Mr. Butler	- Aye
Ms. Brondi	- Aye

A **motion** was made by Mr. Taubkin authorizing Resolution #3, 2023; an Organizational Resolution; seconded by Ms. Brondi.

RESOLUTION #3, 2023 – AN ORGANIZATIONAL RESOLUTION

RESOLVED, the Daily Gazette, be and hereby is made the official newspaper of the Clifton Park Water Authority, and

RESOLVED, that including but not limited to KeyBank (conditional on acceptable account terms and services) hereby is designated as the official bank depository of the Clifton Park Water Authority.

Roll Call Vote:

Mr. Gerstenberger	- Aye
Mr. Ryan	- Aye
Mr. Taubkin	- Aye
Mr. Butler	- Aye
Ms. Brondi	- Aye

A **motion** was made by Mr. Gerstenberger authorizing Resolution #4, 2023; An Organizational Resolution; seconded by Mr. Ryan.

RESOLUTION #4, 2023 – AN ORGANIZATIONAL RESOLUTION

RESOLVED, that the firm of Delaware Engineering, D.P.C., be designated and appointed as the professional engineers for the Clifton Park Water Authority.

Roll Call Vote:

Mr. Gerstenberger	- Aye
Mr. Ryan	- Aye
Mr. Taubkin	- Aye
Mr. Butler	- Aye
Ms. Brondi	- Aye

A **motion** was made by Mr. Butler authorizing Resolution #5, 2023; An Organizational Resolution; seconded by Mr. Taubkin.

RESOLUTION #5, 2023 – AN ORGANIZATIONAL RESOLUTION

RESOLVED, that the firm of Marvin & Co. P.C., CPAs be designated and appointed the professional accountants and auditors for the Clifton Park Water Authority.

Roll Call Vote:

Mr. Gerstenberger	- Aye
Mr. Ryan	- Aye
Mr. Taubkin	- Aye
Mr. Butler	- Aye
Ms. Brondi	- Aye

A **motion** was made by Mr. Ryan authorizing Resolution #6, 2023; An Organizational Resolution; seconded by Ms. Brondi.

RESOLUTION #6, 2023 – AN ORGANIZATIONAL RESOLUTION

RESOLVED, that an Audit Committee has been formed and members of the Audit Committee are: John Ryan, Peter Taubkin, and Bill Butler.

Roll Call Vote:

Mr. Gerstenberger	- Aye
Mr. Ryan	- Aye
Mr. Taubkin	- Aye
Mr. Butler	- Aye
Ms. Brondi	- Aye

A **motion** was made by Mr. Gerstenberger authorizing Resolution #7, 2023; An Organizational Resolution; seconded by Mr. Taubkin.

RESOLUTION #7, 2023 – AN ORGANIZATIONAL RESOLUTION

RESOLVED, that a Governance Committee has been formed and the members of the Governance Committee are: Helmut Gerstenberger, John Ryan, and Bill Butler.

Roll Call Vote:

Mr. Gerstenberger	- Aye
Mr. Ryan	- Aye
Mr. Taubkin	- Aye
Mr. Butler	- Aye
Ms. Brondi	- Aye

A **motion** was made by Mr. Ryan authorizing Resolution #8, 2023; An Organizational Resolution; seconded by Mr. Taubkin.

RESOLUTION #8, 2023 – AN ORGANIZATIONAL RESOLUTION

RESOLVED, that a Grievance Committee has been formed and the members of the Grievance Committee are: Helmut Gerstenberger, Peter Taubkin, and Heather Brondi.

Roll Call Vote:

Mr. Gerstenberger	- Aye
Mr. Ryan	- Aye
Mr. Taubkin	- Aye
Mr. Butler	- Aye
Ms. Brondi	- Aye

A **motion** was made by Mr. Gerstenberger authorizing Resolution #9, 2023; An Organizational Resolution; seconded by Ms. Brondi.

RESOLUTION #9, 2023 – AN ORGANIZATIONAL RESOLUTION

RESOLVED, that a Finance Committee has been formed and the members of the Finance Committee are: Helmut Gerstenberger, John Ryan, and Bill Butler.

Roll Call Vote:

Mr. Gerstenberger	- Aye
Mr. Ryan	- Aye
Mr. Taubkin	- Aye
Mr. Butler	- Aye
Ms. Brondi	- Aye

UNION NEGOTIATIONS

Mr. Gerstenberger made a **motion** to move into executive session at 7:30pm; seconded by Mr. Ryan. The **motion** carried 5-0.

Mr. Gerstenberger made a **motion** to move out of executive session at 8:13pm; seconded by Mr. Butler. The **motion** carried 5-0.

A **motion** was made by Mr. Ryan approving the Collective Bargaining Agreement with CSEA Local 1000; seconded by Mr. Taubkin.

RESOLUTION #10, 2023 – APPROVING COLLECTIVE BARGAINING AGREEMENT WITH CSEA LOCAL 1000

WHEREAS, the collective bargaining agreement between the Clifton Park Water Authority (“CPWA”) and Civil Service Employees Association, Inc. Local 1000 AFSCME, AFL-CIO (“Bargaining Unit”), signed in January 2020, expired on December 31, 2022, and

WHEREAS, after negotiations between the CPWA and the Bargaining Unit, an agreement has been reached on the terms of a 2-year collective bargaining agreement, and

WHEREAS, the CPWA Board of Directors is in agreement that the terms of the contract represent a fair and equitable arrangement for both sides, now therefore be it

RESOLVED, that the Clifton Park Water Authority Board of Directors hereby approves the changes to the expired collective bargaining agreement between the CPWA and the Bargaining Unit, as outlined in the attached Memorandum of Agreement, and authorizes the Chairman and Authority Administrator to execute any documents necessary to implement this agreement.

Roll Call Vote:

Mr. Gerstenberger	- Aye
Mr. Ryan	- Aye
Mr. Taubkin	- Aye
Mr. Butler	- Aye
Ms. Brondi	- Aye

AMEND 2023 CPWA BUDGET

A **motion** was made by Mr. Gerstenberger amending the 2023 Operating and Capital Budgets; seconded by Mr. Butler.

RESOLUTION #11, 2023 – AMENDING 2023 OPERATING AND CAPITAL BUDGETS

WHEREAS, the Clifton Park Water Authority wishes to amend Resolution #27, 2022, adopting the 2023 Operating and Capital Budget, to adjust employee wages to reflect the terms agreed upon with Civil Service Employees Association, Inc. Local 1000 AFSCME, AFL-CIO and to add line items in the Capital Budget for fire hydrants and a grading bucket and accessories for the John Deere Excavator,

NOW, THEREFORE BE IT

RESOLVED, that the Clifton Park Water Authority Board of Directors hereby adopts the amended 2023 Operating Budget and Capital Budget as attached, effective January 1, 2023.

Roll Call Vote:

Mr. Gerstenberger	- Aye
Mr. Ryan	- Aye
Mr. Taubkin	- Aye
Mr. Butler	- Aye
Ms. Brondi	- Aye

OTHER BUSINESS

- Mr. Austin has a meeting scheduled on February 9th with a Protective Security Advisor from Homeland Security to do a security assessment at all CPWA sites.

The CPWA's next board meeting is scheduled for Wednesday, February 8, 2023 at 7pm.

A **motion** was made by Mr. Gerstenberger to adjourn the meeting at 8:24pm; seconded by Ms. Brondi. The **motion** carried 5-0.

Respectfully submitted,
Sheri Collins
Recording Secretary

cc: CPWA Board of Directors
Trainor Law PLLC

MEMORANDUM OF AGREEMENT

By and Between the

Clifton Park Water Authority

And the

Civil Service Employees Association,

Local 1000 AFSCME, AFL-CIO

Clifton Park Water Authority

Unit #8472-00

Saratoga County Local 846

The January 1, 2020 through December 31, 2022 Collective Bargaining Agreement by and between the parties is hereby modified as follows. All other provisions remain unchanged except modification of dates where applicable and other housekeeping items. This Memorandum of Agreement shall be subject to ratification/approval by the Clifton Park Water Authority Board and the membership of the CSEA. Members of the respective bargaining teams affirm to support the ratification/approval of this Memorandum of Agreement.

1. ***Term of Agreement.***

January 1, 2023 through December 31, 2024.

2. ***Article 7, Section 1 – Salary Increases.***

Effective January 1, 2023 – 5.00%

Effective January 1, 2024 – 3.25%

Effective January 1, 2023, Steps 8 and 9 of the Matrix shall be modified to provide that there shall be three (3) years between steps.

The salary schedules for 2023 and 2024 are annexed hereto as Attachment A.

Employees who are appropriately certified to work with asbestos shall receive an additional \$0.75 per hour added to their base salary.

3. ***Article 5, Section 5 – Time Records.***

Modify paragraph 2 of time clock rules to provide that employees may not punch out until the end of their work day.

4. *Article 7, Section 6 – Emergency Call-Ins.*

Modify first paragraph to provide as follows:

Employees who are called in to work, with exception of the on-call Water Technician, will receive a minimum of three (3) hours pay. Where employees are called in to work contiguous to the start of their normal work day, the employee shall be paid from the time that the employee punches in. The three (3) hour minimum pay shall not apply. Normal overtime rules shall apply.

5. *Article 7, Section 6 – Emergency Call-Ins.*

Modify to provide that employees who work anytime from 10:00 p.m. to 4:00 a.m. shall be guaranteed eight (8) hours off. The guaranteed eight (8) hour rest period shall commence from when the employee who worked from anytime from 10:00 p.m. to 4:00 a.m. leaves work. Should the eight (8) hour rest period overlap with the employee's normal shift, they shall be paid for their normal shift without charge to leave credits.

6. *Article 8, Section 1 – Health Insurance.*

Modify Section 1 to provide as follows:

~~The Water Authority offers the MVP Silver 8 High Deductible Plan with a \$3,700 individual and \$7,400 non-individual (i.e. 2 person, single parent, family) deductible.~~

~~The MVP Silver 8 High Deductible Plan includes prescription drug coverage in the following amounts:~~

Tier 1 (Generic)	_____ \$10
Tier 2 (Preferred)	_____ \$40
Tier 3 (Non-Preferred)	_____ \$60

~~The employee shall be responsible for the "up-front" portion of the deductible as follows:~~

~~Effective September 1, 2017 \$300 individual / \$425 family
Effective September 1, 2018 \$325 individual / \$625 family
Effective September 1, 2019 \$375 individual / \$725 family~~

~~The Authority shall fund the remaining portion of the deductible through a Health Reimbursement Account after the employee has satisfied his/her deductible responsibility. Effective September 1, 2020, employees shall no longer be responsible for the "up-front" portion of the deductible.~~

12/19/22

The Water Authority shall offer the MVP Silver 8 High Deductible Plan with deductibles and prescription coverage offered by the carrier. The Authority shall fund the entire deductible through a Health Reimbursement Account.

~~The Authority shall also offer an employee contributed FSA. Employees may contribute up to the maximum amount of their share of the deductible. Any unused amounts at the end of the applicable year may be carried over up to a maximum of \$500. Once the employee has reached the deductible limits of the plan, there are no other payments for medical services unless otherwise required under the plan. The Authority will contract with a third party administrator to administer the HRA and FSA provided herein, which shall provide a "smart card."~~

The plan period is September 1st through August 31st of each year. On September 1st of each year, the members' deductible and out-of-pocket maximum responsibilities reset to their original amounts and the process starts all over again. Upon thirty (30) days written notice to the CSEA Unit President, the employer may change carriers or plans so long as the benefits provided are comparable to the existing plan.

The employer shall not be responsible for unilateral changes in benefits, co-payment provisions, or deductibles imposed by the health insurance provider, nor shall the employer be required to negotiate the impact of such changes.

7. *Article 9, Section 4 – Holidays.*

Modify to provide that Juneteenth shall be observed as a floating holiday. The floating holiday shall be available to be used with approval of the Authority. The floating holiday shall be available on January 1 and must be used by December 31st of each year of the contract. An employee who leaves employment with the Authority prior to June 19th of any year and has utilized the floating holiday shall have the value of the holiday deducted from the employee's final paycheck.

Dated: December __, 2022

CLIFTON PARK WATER AUTHORITY

By: _____

Dated: December __, 2022

**CSEA, LOCAL 1000 AFSCME, AFL-CIO
CLIFTON PARK WATER AUTHORITY
UNIT #8472-00, SARATOGA COUNTY
LOCAL 846**

By: _____