



MINUTES

Meeting of the Niagara Falls Water Board

June 22, 2020 5:00 PM

Meeting held via conference call pursuant to Executive Order 202.1 and 202.38.

1. Attendance and Preliminary Matters

Chairman Brown called the meeting to order at 5:01 p.m.

a. Brown P Forster P Larkin P Leffler P Kimble P

b. Letters and Communications

c. Public Comment (Public comments may be submitted in writing to be read by the Secretary and needed to be received by 12:00 p.m. on May 22, 2020.)

Mr. Costello noted that no public comments were received.

d. Approval of Minutes from May 18, 2020 Meeting

Motion by Mr. Forster and seconded by Ms. Leffler to approve the May 18, 2020 meeting minutes.

Brown Y Forster Y Larkin Y Leffler Y Kimble Y

Motion carried 5-0.

e. Approval of Minutes from May 28, 2020 Special Meeting

Motion by Mr. Forster and seconded by Ms. Larkin to approve the May 28, 2020 special meeting minutes.

Brown Y Forster Y Larkin Y Leffler Y Kimble Y

Motion carried 5-0.

2. Executive Director

Mr. Fama had nothing new for the Board.

Mr. Forster inquired regarding the air conditioning unit that is not functional at the WWTP administration building.

Mr. Fama explains that the air conditioning unit in question is covered under warranty through Trane; they will be on site to evaluate on Tuesday 6/23/2020 at 7:00 a.m.

3. Superintendent

Mr. Wright states that in response to an inquiry at the work session, he will send information regarding billing for hydrant meters to the Board for its review.

Mr. Forster asks if there has been any communication with the Fire Department regarding inspections of locations with private fire hydrants. Mr. Wright does not believe that such inspections will take place this year because of COVID-19.

Mr. Forster inquires about the status of the Bollier Ave. water main replacement, and Mr. Wright states he is waiting on the contractor to begin work; meeting with City Engineering this week. Ms. Larkin states that the Board was told the contractor would start when the Water Board was ready, and it is unacceptable that they now are too busy to get started. Mr. Forster asks Mr. Costello if he is familiar with the verbiage of the Bollier Ave. contract.

Mr. Costello states that it is his understanding that the work was delayed by the Water Board in order to avoid Niagara Falls residents being without water in that area during the Governor's stay-at-home order. Mr. Costello states the NFWB directed the contractor not to proceed and that this would extend the contractor's time for performance; he will further investigate the contractual time for completion and provisions for liquidated damages in the event the project is not completed on time.

Ms. Leffler asks Mr. Wright the last time that the private fire hydrants were inspected. Mr. Wright states that this is the owner's responsibility; a letter has been sent out to all private fire hydrant owners, requesting when the last inspection occurred.

4. Engineering

Mr. Williamson explained that the Sanitary Sewer System Management Plan and related grant applications were discussed in a meeting with the DEC held on 6/18/2020. Resolution 2020-06-004 is for an Arcadis engineering study on the best way to proceed with that Plan, and the study is intended to be used to support the grant applications. Mr. Costello understands that at the 6/18/2020 meeting DEC staff told

the Water Board that the WQIP grant application deadline will be pushed back from the typical July deadline because of COVID-19. As a result, it would be advisable to table Resolution 2020-06-007, related to WQIP grant projects, until the Arcadis engineering report is completed. The extended grant application deadline will allow time for the Arcadis report's use to refine the projects for the WQIP grant application.

5. Personnel Items/Director of Administrative Services

a. Personnel Actions for June 22, 2020

Mr. Perry states he has nothing new to report at this time.

6. Information Technology (IT) Dept.

Mr. Fama states he has nothing new to report at this time.

7. Financial Reports – Director of Financial Services

a. Final 2019 Audit Reports

- i. Audit Summary**
- ii. Report to Board**
- iii. Management Letter**
- iv. Financial Statements, Supplementary Information, and Auditors' Report**
- v. Investment Report**

Mr. Joe Kehm (engagement partner) and Mr. Tom Smith (engagement director) from EFPR Group, LLP, discussed the NFWB's audited financials. They reviewed the various documents comprising the audit and investment reports.

Mr. Kehm explained that the audit was performed under applicable standards and EFPR issued an unmodified or unqualified opinion, which means it was a "clean" opinion that the financial statements present fairly and in accordance with generally accepted accounting principles. There also was a "clean" opinion on the investment report. There were no findings relative to internal controls or compliance matters that need to be brought to the Board's attention, though in performing the audit they do not render an opinion on internal controls or on compliance. Their review of these is to design an audit approach that allows them to render an opinion on the financial statements.

Mr. Kehm explained that management's discussion and analysis allows management to offer appropriate comments on the audit. Here it allows a comparison between the present and prior year, and the audit shows a \$207,000 net loss for the year. This is an

increase in negative net position driven by long-term liabilities for other post-employment benefits, such as post-retirement health insurance and NYS Pension System liability. The largest liability other than bonds is for future healthcare and other post-employment benefit costs which are based upon an actuarial calculation.

Mr. Kehm summarized other audit findings. Year-over-year operating revenues increased about \$119,000 principally due to grant dollars. Operating expenses increased about \$747,000. After investment income is factored in, there is a \$207,000 deficit. Total assets went from about \$184 million to about \$183 million year-over-year. Footnotes explain items including significant accounting policies and provide definitions.

For findings, Mr. Kehm noted that last year the PARIS filing was late. They usually are due by March 31. Last year's PARIS report now has been filed and there is an extension for this year's report.

Chairman Brown noted that he is a CPA and does quite a few government audits. He noted that he would ask questions designed to help the Board understand the financials. He has Mr. Brown confirm that EFPR serves the Board of Directors but works with management. He questioned Mr. Kehm if the audit revealed any risks, such as issues with journal entry approvals, and for details on how the audit came together.

Mr. Kehm stated that as part of the audit they evaluate the skills, knowledge, and experience of management and their ability to understand their responsibility for the financial statements. EFPR concluded that management has adequate skills, knowledge, and experience to accept the financial statements. EFPR prepared the financial statements with the exception of the management discussion, and then met with Ms. Walker and Mr. Majchrowicz and reviewed the statements and made "tweaks" as appropriate. EFPR did reach out and made standard inquiries to certain Board members about things the auditors should be concerned about. In this case, they reached out to Ms. Kimble and to Mr. Murgia for the Authority. The financials were not reviewed by the Finance or Governance chairs prior to issuance of the draft reports. There were not further governance communications before or during the audit because these are set forth in EFPR's engagement letter. The management representation letter in this case was signed by Ms. Walker and Mr. Fama.

Mr. Brown noted that personnel make up about 44% of expenses and asked what kind of payroll testing was performed. EFPR drew a sample of employees and compared those with the collective bargaining agreement and payroll and verified that everything lined up properly, in terms of employees existing and being paid properly. The controls lined up with the auditors' expectations.

Mr. Brown asked about the utilization of the time clock at the Water Board. The auditors had not heard about the time clock. Mr. Perry stated that there is a time clock

and employees punch in and out, and payroll hours paid are compared with the hours clocked in and out.

Mr. Brown had requested and received audit adjusting entries for the last three years. He noted that some are significant and asked how that could not result in a significant deficiency or material weakness. Mr. Kehm noted that most were client entered, and one was truing up as a result of GASBY-68. When they evaluate journal entries, they are not troubled by occasional cleanup entries versus systemic issues. Auditors exercise professional judgment regarding the significance of such adjustments.

Mr. Brown asked if the Water Board would have met the deadline for PARIS report filing if it had not been extended. Mr. Kehm stated the PARIS filing would have been late if there was not an extension, though the situation this year was unusual, and they started their field work in February or early March. The extension for PARIS report filing was granted by Executive Order around March 26. The reports normally are due March 31, and the financials are dated in May.

Mr. Brown asked if there are any major issues with accounts receivable, and Mr. Smith noted the transfer to taxes lowers the risk with delinquencies.

Mr. Brown asked if the accountants were aware of inventory at the water or wastewater plant. He noted the Board is looking at hiring an inventory control position. Mr. Kehm had not heard of this inventory.

Mr. Brown noted there are repeat comments regarding a recommendation for monthly rather than yearly plant fund general ledger closings and development of a disaster recovery plan. Ms. Walker stated that the disaster recovery plan has been corrected through insurance obtained with the Water Board's new broker. For the plant fund general ledger, they are working on getting it reconciled on a monthly basis.

Mr. Brown noted that the Board has trouble obtaining certain financial reports and asked if the auditors were aware of problems with the New World Accounting Software that the Board has been told does not support the reporting functions. Mr. Smith noted that they did not have trouble with the New World reports they received and were not aware of problems with the software. Ms. Walker suggested that Mr. Brown speak with Joe Morock regarding the problems he deals with in connection with the New World system.

Mr. Brown asked if excess funds in the debt service reserve fund can be used for operational needs. Ms. Walker states that she has been working with the Trustee and bond consultant Rick Ganci and they currently are of the opinion that the excess funds should be used only for refunding of debts. Mr. Kehm agreed that this generally would be how such excess restricted funds could be used.

Mr. Brown asked if excess funds restricted for operations and maintenance could be used to defray operational expenses and Mr. Smith agreed that these excess funds could be.

Mr. Brown asked about consultation with legal counsel regarding risks and exposure. Mr. Smith stated they obtained letters from Mr. Costello, Rupp Baase, and Personius Melber.

Broadly, Mr. Kehm noted that expenses will increase every year because of contractual obligations, and that the cash position would have shown a reduction in cash flow from operations if not aided by grants. That said, there are sufficient funds to cover near-term obligations.

On conclusion of the discussion of the audit, Ms. Walker discussed the contents of the standard monthly financial reports. She also noted that the draft capital improvement plan needs further review by employees.

8. Reports

- a. Questions Regarding O&M Reports**
- b. Safety**

Ms. Senia states she is planning re-training in connection with a notice of violation received relative to excavation practices. This will be conducted early in July, and the notice of violation has been posted as required.

Mr. Forster questions the status of security cameras.

Mr. Senia states that she has proposals from Buffalo Alarm from November and December 2019. She would like to piggyback on the contract used to install cameras at the WTP, but a supporting document still is needed to put a proposal in front of the Board.

Mr. Forster states after reviewing O&M reports from October 2019, the reports state work is being performed on the cameras, yet, nothing has been presented to the board.

Mr. Forster questions how many cameras are currently operable. Ms. Senia states no cameras at the WWTP are operating. The housing on the camera at the Gorge Pumping Station has also been damaged; unable to view how the vandalism occurred. Several cameras were taken down and not put back up, and the data plan for many of the cameras expired in March 2020. WCCTV had been requesting that the Water Board renew their contract, but the data plan is expensive.

Ms. Senia states she has been working with Mr. Morock from IT and cannot answer why a proposal was not presented to the board members. Ms. Senia states she believes IT presented alternative plans for camera installations.

Mr. Forster states that the NFWB is putting a lot of money into the Gorge Pumping Station and the cameras were placed in those locations in order to be able to view any potential vandalism that may occur.

Mr. Brown questions Mr. Fama regarding the status of the matter and whether there is a sense of urgency. Mr. Fama states the NFWB had a contract in regard to the cameras and the cameras had issues. Mr. Morock was in contact with the vendor. The cameras would be taken down, sent back for repair, and returned to us with continued issues. Whenever the cameras were used it charged the data plan. Mr. Morock communicated to him that the cameras were not functional because they kept breaking and he started to investigate alternative options.

Mr. Forster states that in accordance with the Homeland Security Act, the NFWB must maintain a visual on both the WTP and WWTP. Mr. Forster states he is unsure as to why process seem to take a lengthy amount of time at the NFWB.

Mr. Fama states he will meet with IT tomorrow morning and request that they prepare a presentation for the board members for the July 2020 meeting to discuss eliminating the current system and to change over to the Buffalo Alarm system at the WTP.

Ms. Larkin questions why the NFWB continues to pay a vendor for cameras that are not working. Ms. Larkin would like the NFWB staff to explore some alternative cost-saving options, such as GoPro cameras.

Ms. Senia states that the Water Board has not been paying WCCTV since January, and the service continued through March.

Ms. Larkin seeks advice from Mr. Costello regarding potential refunds for the periods when the cameras were inoperable.

Mr. Costello's understating is that the Board paid a substantial sum for the initial purchase of the cameras, which included a warranty. Since then, it has been paying for a monthly maintenance and data plan, and the company has been providing maintenance and data, and repaired the cameras under the warranty. The company has been providing these services so it cannot be said that the Water Board has been without the benefit of its bargain. The Water Board incurs overage charges when it exceeds the data plan it purchased.

Ms. Larkin requests an alternative vendor as soon as possible. Ms. Senia states she would like to move forward with Buffalo Alarm if the Water Board can piggyback on the contract from when the cameras were installed at the WTP, but would also like Mr. Morock to present his ideas as well. Ms. Leffler asked for clarification that the

cameras at the WTP are working, and Ms. Senia advised that the Buffalo Alarm system is working.

Ms. Larkin would like clarification on who is ultimately responsible for the cameras at the NFWB WWTP. Ms. Senia did not want to state that it was her because there is not clarity of expectations. When Mr. Drury was there, he handled the system and security. When he left, Ms. Senia was told she was taking over security, but it principally was scheduling of security guards. Ms. Larkin asked if IT has responsibility for the cameras. Ms. Senia states that IT had responsibility for the cameras and dealt directly with WCCTV and that she was unable to view the cameras, but that she would step in to take responsibility. Ms. Senia states that the expectations and roles need to be defined with respect to the cameras.

Mr. Forster seeks clarification regarding whether the stipend that Ms. Senia received was just for security or also the cameras. Ms. Senia states the stipend was removed and it was her understanding the stipend was initially granted for scheduling security guards. Mr. Forster states a raise was given to Ms. Senia once the stipend ended.

Mr. Brown questions if Ms. Senia is not responsible for the cameras, what other staff member at the NFWB would be in charge?

Mr. Fama states that it is his understanding that the functionality of the cameras falls under the umbrella of IT. Mr. Fama states that the camera contract was put into place prior to his appointment and he is unsure of the verbiage of the current contract. Mr. Fama states that Mr. Morock has direct contact with WCCTV, and he also has direct contact with Ms. Senia in regard to the cameras.

Mr. Forster states that Ms. Senia has been reporting on the cameras for months under her portion of the O&M report. Mr. Forster is confused as to why it is now being communicated that IT oversees the cameras. Ms. Senia states she was doing that in collaboration with IT, and IT also reported on cameras in the O&M report.

Ms. Kimble asks Mr. Costello to review the current contract with WCCTV to see if the NFWB is eligible for a potential refund due to the lack of functionality with the current cameras.

Mr. Brown states he is still confused on where the responsibility lies in regard to the oversight of the cameras. Ms. Senia states she will step-up in regard to the oversight of the cameras. If possible, she will present something to the Board prior to its next meeting.

Mr. Brown questions Mr. Costello regarding what can be done prior to the next meeting. Mr. Costello states that Mr. Fama can approve up to \$10,000. Anything exceeding that dollar amount would require a meeting for board approval. Mr. Costello states he will need to ensure that the proposal that is brought before the

Board meetings the requirements for piggybacking under the General Municipal Law or is less than the amount where we would need to seek competitive sealed bids.

9. General Counsel and Secretary

Mr. Costello has nothing further that needs to be discussed at this time.

10. From the Chairperson

Mr. Brown states he has been asked about receipts when people pay their bills. What is the procedure?

Ms. Leffler states that Bank on Buffalo was refusing to disperse receipts for payments made there during the pandemic. Ms. Kimble notes that she relies upon her cancelled check when she pays.

Ms. Walker states there is an issue with account access for customers who pay their bill using the e-check option on Bank on Buffalo's website and the issue lies with technical issues with their third-party vendor. She has been dealing with Bank on Buffalo regarding this issue. Ms. Walker states that the NFWB was Bank on Buffalo's third-party vendor's first client that attempted to set up online payment options and she is not happy with that third-party vendor.

Returning to the original question regarding receipts, City Hall normally issues receipts when it accepts a payment but is not currently open. For other payment options, information regarding prior payments is noted on the next bill but there is not a receipt.

Ms. Larkin states she was under the impression that the online payment issue with Bank on Buffalo was supposed to be resolved in August 2019. Online payment is possible through Bank on Buffalo, but only through checking accounts. Ms. Leffler states per her earlier discussion with Mr. Walker, it was her recommendation to draft a request for proposals seeking an alternative banking option for the NFWB. Ms. Kimble and Ms. Larkin agree, and Ms. Walker agreed to prepare an RFP. Mr. Forster and Mr. Brown discussed bringing Bank on Buffalo in for a Board meeting, but Ms. Larkin says the issue has been discussed previously and the Board has had Bank on Buffalo for two years now. Mr. Brown does not have a problem with the RFP. Ms. Walker will connect with Ms. Leffler and Mr. Costello and will prepare an RFP for the Board's next meeting.

Mr. Brown noted he previously received a call from a vendor regarding a payment that was not received for more than 90 days and has heard of other problems with getting payments to vendors. He questions why this delay occurs. Ms. Walker explains that there is a process in place for submission of capital requisitions. She notes that

vendors sometimes do not follow the submission process, including the required cover sheet, and sometimes staff do not turn in the invoices to the Finance Department promptly. The vast majority of invoices are submitted and paid in a timely manner following completion of the work.

Mr. Brown noted he has discussed with Ms. Larkin the distribution of certain duties with respect to hiring personnel and other duties. She would like to discuss portions of this in executive session and noted that this relates in part to different specific personnel and may relate to collective bargaining. Mr. Costello noted that while personnel as a general concept is not appropriate for executive session, discussion of hiring specific persons and matters related to collective bargaining negotiations are. The Board can discuss issues appropriate for executive session during executive session and address any items that fall outside the appropriate scope after returning from executive session.

11. Resolutions

2020-06-001 – APPROVING AND ACCEPTING INDEPENDENT AUDIT AND INVESTMENT REPORTS

- a. Supporting Documents: See Finance Reports at a(ii) through a(v).**

Note: Renumbered; same as Tabled Resolution 2020-05-022.

Motion by Ms. Leffler and seconded by Ms. Kimble to approve.

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion carried 5-0.

2020-06-002 – GOVERNANCE COMMITTEE MEMBERSHIP AND MEETINGS

Note: Renumbered; same as Tabled Resolution 2020-05-005.

Mr. Costello explained that this committee is required under the Public Authorities Law and at the time of the Annual Meeting the Board had not identified a chairperson.

Motion by Ms. Kimble and seconded by Ms. Leffler to approve the resolution with Colleen Larkin named as chairperson.

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion carried 5-0.

2020-06-003 – AUTHORIZING PURCHASE OF DUMP TRUCK, DECLARING AS SURPLUS AND AUTHORIZING DISPOSAL THROUGH TRADE IN OF TWO DUMP TRUCKS, AND AUTHORIZING FINANCING FOR NET PURCHASE PRICE

- a. Hunter Dump Truck Quote Package
- b. Financing Rate Sheet

Motion by Mr. Forster and seconded by Ms. Leffler to approve.

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion carried 5-0.

2020-06-004 – AUTHORIZING AGREEMENT WITH ARCADIS FOR PREPARATION OF ENGINEERING REPORT AND TECHNICAL ASSISTANCE FOR WQIP GRANT PROGRAM SUBMISSION

- a. Arcadis WQIP Engineering Report Proposal, June 4, 2020

Motion by Ms. Leffler and seconded by Ms. Larkin to approve.

Brown __Y__ Forster __N__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion carried 4-1.

2020-06-005 – INSTALLATION OF ELECTRICAL SERVICE FOR TEMPORARY CONSTRUCTION TRAILERS

- a. Ferguson Quote, May 11, 2020, No. PD21077

Mr. Forster stated he was under the impression that there would not be a cost to complete this work. Mr. Williamson explained that DEC determined this work was not grant reimbursable. Mr. Forster asked why the proposal did not go out to RFP and Mr. Costello explained that the work and pricing is based on the IDIQ electrical contract, which was competitively bid. The proposal is time and material. The work could be bid separately. Mr. Forster and Ms. Larkin would like to make sure the Board is getting a competitive price and think it should have gone to RFP. Ms. Leffler does not want to hold up the work but is open to an RFP. Mr. Costello noted that it would be a sealed bid, not an RFP.

Motion by Mr. Forster and seconded by Ms. Larkin to table the resolution and seek a competitive bid for the work.

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion to table and to seek a sealed bid for the work carried 5-0.

2020-06-006 – UPDATED POLICY FOR AGENDAS, RESOLUTIONS, AND ASSOCIATED SUPPORTING MATERIALS

The main change is to move the deadline for agendas to Wednesday at noon.

Motion by Mr. Forster and seconded by Ms. Leffler to approve.

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion carried 5-0.

2020-06-007 – NYS WATER QUALITY IMPROVEMENT PROJECT GRANT APPLICATION FOR LASALLE SEWER REHABILITATION PROJECT

Motion by Mr. Forster and seconded by Ms. Larkin to table.

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion to table carried 5-0.

2020-06-008 – ENGINEERING PLANNING GRANT APPLICATION AND SEQR REVIEW FOR LASALLE SEWER REHABILITATION PROJECT

Motion by Mr. Forster and seconded by Ms. Larkin to approve.

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion carried 5-0.

2020-06-009 – AUTHORIZING PROJECT 10, PHASE 2, SCADA DESIGN, DEVELOPMENT, AND PROGRAMMING WORK AT WASTEWATER TREATMENT PLANT

- a. **Kaman Proposal, June 15, 2020, No. 200740-1**

Motion by Ms. Kimble and seconded by Ms. Larkin to approve.

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion carried 5-0.

12. Unfinished Business

Mr. Forster questions Mr. Fama regarding an email that was sent to him on 5/20/2020 requesting a list of employees who had been directed to work from home during the

pandemic and the chargeable hours that each employee worked from home during the pandemic, including half days. The request includes executive staff. Mr. Fama stated that he had all of the information compiled except for the information for the IT staff. Mr. Forster requested that Mr. Fama send the information to all Board members when compiled.

13. New Business & Additional Items for Discussion

Mr. Forster asks that the Board members and Ms. Walker give some thought to changing our billing system from billing on a quarterly basis to monthly billing. Mr. Forster would like this to be explored for a few reasons, one reason being it is an opportunity for the NFWB to obtain funds on a monthly basis as opposed to a quarterly basis. More importantly, given the poverty level as well as the unemployment level in the City of Niagara Falls, many people have great difficulties paying their bills in a timely fashion and it would be easier for people to budget for a monthly payment rather than quarterly. Mr. Forster understands the additional costs in regard to postage, but we would be able to recoup our funds much quicker. Moreover, it would help people and the Water Board because it would be possible to address high consumption faster. He would like an analysis of the pros and cons of monthly billing.

Ms. Larkin agrees with Mr. Forster and also requests a way to bill our rate payers with a “balance billing system” like used by the gas company, as some people may experience higher bills seasonally.

Mr. Brown agrees with Mr. Forster and states he has his support for this initiative.

Ms. Walker states that this matter was looked into in the past, but she will need to do some research regarding these past discussions. She will report back on the information she is able to find.

14. Executive Session (if needed)

Motion by Ms. Leffler and seconded by Ms. Larkin to enter into Executive Session at 7:32 p.m. to discuss the hiring of particular persons and matters related to collective bargaining negotiations.

The Board members unanimously approved the motion via voice vote.

Motion by Ms. Larkin and seconded by Ms. Leffler to exit executive session and to enter back into the open meeting at 8:27 p.m.

The Board members unanimously approved the motion via voice vote.

Motion by Ms. Larkin and seconded by Mr. Forster to draft a request for proposal for an HR consultant to assist the board with organizational culture and upcoming hiring decisions.

Brown __Y__ Forster __Y__ Larkin __Y__ Leffler __Y__ Kimble __Y__

Motion carried 5-0.

15. Adjournment of Meeting

Motion by Mr. Forster and seconded by Ms. Leffler to adjourn at 8:29 p.m.

The Board members unanimously approved the motion via voice vote.