

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 17th day of April 2024.

PRESENT: Jerome D. Schad, Chair
Peggy A. LaGree, Vice Chair
Michele M. Iannello, Treasurer
Terrence D. McCracken, Secretary to the Authority
Joyce A. Tomaka, Chief Financial Officer
Mark S. Carney, General Counsel
Charles E. Eaton, Chief Operating Officer
Leonard F. Kowalski, Executive Engineer
Jennifer Hibit, Director of Human Resources
Jessica R. Brown, Comptroller
Lavonya C. Lester, Director of Administration
Sabrina A. Figler, Director of Water Quality
Katherine A. Gillette, Associate Attorney
Matthew W. Barrett, Security Officer

ATTENDEES:

PLEDGE TO THE FLAG

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 9:38 a.m. A quorum was present with three Commissioners.

II. READING OF MINUTES

Motion by Ms. LaGree seconded by Ms. Iannello and carried to waive the reading of the Minutes of the Meeting held on Thursday, March 21, 2024.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

III. APPROVAL OF MINUTES

Motion by Ms. LaGree seconded by Ms. Iannello and carried to approve the Minutes of the Meeting held on Thursday, March 21, 2024.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

IV. REPORTS**A. SECRETARY**

1. Executive Session

Discussion relating to personnel matters of a particular person pursuant to Public Officers Law §105(1)(f) matters relating to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person.

The above Executive Session has been deferred to the end of the meeting.

B. LEGAL

1. Executive Session

Discussion of a matter made confidential by federal or state law (i.e., the attorney-client and deliberative process privileges) pursuant to Public Officers Law §108(2).

The above Executive Session has been deferred to after Unfinished Business.

C. FISCAL

1. Barcoding and Scanning Initiative

Lavonya Lester gave an update on the Barcoding and Scanning Initiative including the results of the RFP process. The Review Committee discovered after evaluating the submissions and the vendor demonstrations that the tasks required were well within the Authority personnel's capabilities. Therefore, Ms. Lester and the Review Committee recommend allowing internal staff to complete the Barcoding and Scanning Initiative. Ms. Lester noted that the Authority's current software is compatible with the project and the only expense will be the purchase of the hardware. The benefits of the project include reduction of inventory losses and real time inventory reconciliation. Chairman Schad requested the Board receive a copy the implementation plan and schedule with periodic updates.

2. February 2024 Investment Report

Joyce Tomaka distributed the February 2024 Investment Report along with a brief explanation of the report.

3. February 2024 Financial Report

Jessica Brown distributed the February 2024 Monthly Financial Report and briefly reviewed the data.

D. OPERATIONS

1. Lead & Copper Reduced Monitoring

Sabrina Figler gave a brief overview of the history of the Authority's LCR Monitoring. Ms. Figler informed the Board that NYSDOH has returned the Authority to Reduced Lead and Copper Monitoring under the current LCR. Ms. Figler described the testing process. A discussion occurred regarding the benefits of reliable in-house testing versus outside private, testing services.

2. Project Advertised for Bidding – Formal Contract

Leonard Kowalski reported on two projects advertised for bidding since the last Board Meeting: Excavated Material Removal and Disposal 2024 through 2026, PN 202400027 and Industrial Blasting, Painting and Associated Maintenance Contract PN 202400038.

3. PFAS Testing Update

Secretary McCracken informed the Board of an additional update from Sabrina Figler regarding PFOS and PFOA. Ms. Figler discussed the EPA's announcement of National PFAS Drinking Water Standard and the Authority's history and level of preparedness. The EPA announcement included new federal standards for PFAS in drinking water. Ms. Figler noted that she anticipates an announcement from NYSDEC expanding on the federal limits. Ms. Figler reported that the Authority's drinking water levels are well below the new federal MCL of 4.0 ppt and the Authority will continue to comply with all state and federal regulations and continue to monitor for an additional 23 compounds quarterly. Chair Schad inquired as to our effort to quantify a possible future change in our filtration process that could remove the PFAS and PFOS substances. Executive Engineer Kowalski reported that staff is currently developing a specification for a global assessment of the scope of such a project.

E. HUMAN RESOURCES

F. AUDIT COMMITTEE

G. GOVERNANCE COMMITTEE

H. FINANCE COMMITTEE

I. ETHICS COMMITTEE

V. COMMUNICATIONS AND BILLS

(Communications may be limited to items that are provided electronically. Every effort will be made to provide all communications at future meetings.)

C-1 FOIL FROM NEW YORK FOUNDATION FOR FAIR CONTRACTING - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP

C-2 FOIL FROM CONNIE GABAMONTE - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP

C-3 FOIL FROM DANIEL TELVOCK - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP

C-4 FOIL FROM LEXISNEXIS - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP

C-5 FOIL FROM JACOB PRZYBYLSKI - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP

C-6 FOIL FROM EXCEL ENGINEERING - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP

C-7 LETTER FROM CLAYTON JOHNSON - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP

Chairman Schad noted Mr. Johnson has been a great asset to the Authority and wishes him well in his endeavors.

C-8 LETTER FROM ANDREA POOLE - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP

Chairman Schad wished Ms. Poole well on her retirement. Secretary McCracken noted that Ms. Poole has amended her last day.

VI. PERSONS ADDRESSING THE AUTHORITY

Pursuant to the Erie County Water Authority's Open Meetings Law Policy Section 10 Public Expression, as posted on its website, the Commissioners will hear the concerns of persons desiring to address the Commissioners on any Water Authority subject. No one appeared to speak.

VII. UNFINISHED BUSINESS

Motion made by Ms. LaGree, seconded by Ms. Iannello to go into Executive Session for the discussion of a matter made confidential by federal or state law (i.e., the attorney-client and deliberative process privileges) pursuant to Public Officers Law §108(2) at 10:12 a.m. Mr. Schad invited Terrence McCracken, Joyce Tomaka, Mark Carney, Chuck Eaton and Kate Gillette.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

Motion made by Ms. LaGree, seconded by Ms. Iannello to exit Executive Session at 10:26 a.m.

DISCUSSION

Chairman Schad reported that a productive discussion was held with Counsel.

VIII. NEW BUSINESS

ITEM 1 - AUTHORIZATION TO EXECUTE A WAIVER OF CONFLICT WITH HODGSON RUSS LLP RELATIVE TO WEHRLE CELL TOWER LEASE EXTENSION WITH UPSTATE CELLULAR NETWORK D/B/A VERIZON WIRELESS

Motion by Ms. LaGree and seconded by Ms. Iannello and carried.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 2 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH HAZEN AND SAWYER TO PROVIDE CONSULTING ENGINEERING SERVICES FOR MISCELLANEOUS ELECTRICAL ENGINEERING SERVICES 2024-2025, IDENTIFIED AS CONTRACT NO. HS-005, PROJECT NO. 202400058

Motion by Ms. LaGree and seconded by Ms. Iannello and carried.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 3 - AUTHORIZATION TO EXECUTE A SERVICE AGREEMENT WITH TIME WARNER CABLE NORTHEAST, LLC D/B/A SPECTRUM ENTERPRISE RELATIVE TO INTERNET SERVICES, STATE CONTRACT NO. PS68706

Motion by Ms. LaGree and seconded by Ms. Iannello and carried.

DISCUSSION

Chairman Schad noted that a motion is needed to amend this item to provide that the approval is for a contract extension through September 15, 2025 in the terms of the Service Agreement.

Motion by Ms. LaGree and seconded by Ms. Iannello to amend Item No. 3 to have an expiration date of September 15, 2025.

Chairman Schad calls for a vote on the motion to amend.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

On the motion as amended,

Motion by Ms. LaGree and seconded by Ms. Iannello to approve the amended Item No. 3.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 4 - AWARD OF CONTRACT TO E&R GENERAL CONSTRUCTION, INC. FOR WATER SYSTEM IMPROVEMENTS, UNION ROAD CORRIDOR DISTRIBUTION SYSTEM, TOWNS OF WEST SENECA AND CHEEKTOWAGA, IDENTIFIED AS CONTRACT NO. GP-011, PROJECT NO. 202200057 - \$816,765.00

Motion by Ms. LaGree and seconded by Ms. Iannello and carried.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 5 - APPROVAL OF CHANGE ORDER NO. 2 OF CONCRETE APPLIED TECHNOLOGIES CORP. D/B/A CATCO FOR CONTRACT NO. MP-084, WATER SYSTEM IMPROVEMENTS TRANSMISSION MAIN INSTALLATION, TOWN OF TONAWANDA, NEW YORK, PROJECT NO.

202000084 - \$200,000.00

Motion by Ms. LaGree and seconded by Ms. Iannello and carried.

DISCUSSION

On the question, Commissioner LaGree asked for clarification of the changes. Mr. Kowalski listed the two changes: the extension of the completion dates and the addition of \$200,000.00 to pay for the removal of unanticipated debris requiring disposal and testing of soil.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 6 - APPROVAL OF AMENDMENT NO. 2 TO THE CONTRACT WITH KEMIRA WATER SOLUTIONS, INC. FOR FURNISHING AND DELIVERING OF POLYALUMINUM CHLORIDE COAGULANT TO THE ERIE COUNTY WATER AUTHORITY FOR THE TREATMENT OF WATER, IDENTIFIED AS CONTRACT NO. 22-21-05, PROJECT NO. 202200031

Motion by Ms. LaGree and seconded by Ms. Iannello and carried.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 7 - AUTHORIZATION TO EXECUTE AMENDMENT NO. 3 TO THE PROFESSIONAL SERVICES AGREEMENT WITH RAFTELIS FINANCIAL CONSULTANTS, INC. TO PROVIDE FINANCIAL SERVICES RELATING TO COST OF SERVICE ANALYSIS, RATE MODELING AND FINANCIAL FEASIBILITY ANALYSIS, PROJECT NO. 202000129

Motion by Ms. LaGree and seconded by Ms. Iannello and carried.

DISCUSSION

On the question, Commissioner LaGree asked when the discussions would take place. Ms. Tomaka explained that she was waiting for the Board approval before starting discussions.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 8 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2024 –

WATER SYSTEM IMPROVEMENTS, TOWN OF AMHERST, IDENTIFIED AS CONTRACT BL-002, PROJECT NO. 202100032 - \$100,000.00

Motion by Ms. LaGree and seconded by Ms. Iannello and carried.

DISCUSSION

On the question, Commissioner LaGree asked for the anticipated completion date. Mr. Kowalski stated that the restoration work would be completed this spring.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 9 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2024 – WATER SYSTEM IMPROVEMENTS, UNION ROAD CORRIDOR DISTRIBUTION SYSTEM, TOWNS OF WEST SENECA AND CHEEKTOWAGA, IDENTIFIED AS CONTRACT NO. GP-011, PROJECT NO. 202200057 - \$860,000.00

Motion by Ms. LaGree and seconded by Ms. Iannello and carried.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 10 - KATHERINE A. GILLETTE - APPOINTMENT AS SENIOR ASSOCIATE ATTORNEY

Motion by Ms. LaGree and seconded by Ms. Iannello and carried.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 11 - BRITTANYLEE PENBERTHY - APPOINTMENT AS ASSOCIATE ATTORNEY (PART-TIME)

Motion by Ms. LaGree and seconded by Ms. Iannello and carried.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

Motion made by Ms. LaGree, seconded by Ms. Iannello to go into Executive Session for the discussion relating to personnel matters of a particular person pursuant to Public Officers Law §105(1)(f) matters relating to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person. at 10:36 a.m. Mr. Schad invited Terrence McCracken, Joyce Tomaka, Mark Carney, Chuck Eaton, and Jennifer Hibit.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

Motion made by Ms. LaGree, seconded by Ms. Iannello to exit Executive Session at 10:50 a.m.

DISCUSSION

Chairman Schad reported that a productive discussion was held.

VIII. ADJOURNMENT

Motion by Ms. LaGree seconded by Ms. Iannello carried that the meeting adjourned at 10:50 a.m.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

Terrence D. McCracken
Secretary to the Authority

ALH

04/17/24