

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 16th day of January 2020.

PRESENT: **Jerome D. Schad, Chairman**
Mark S. Carney, Vice Chairman
E. Thomas J. Jones, Jr., Treasurer
Terrence D. McCracken, Secretary to the Authority
Karen A. Prendergast, Chief Financial Officer
Margaret A. Murphy, General Counsel (via telephone conference for Executive Sessions only)
Russell J. Stoll, Chief Operating Officer
Leonard F. Kowalski, Executive Engineer
Daniel J. NeMoyer, Director of Human Resources
Katherine A. Gillette, Associate Attorney
Joyce A. Tomaka, Comptroller
Lavonya C. Lester, Director of Administration
Sabrina A. Figler, Director of Water Quality
Jeffrey Schlierf, Acting Manager of Information Technology
Matthew W. Barrett, Security Officer
Richard J. Deren, Network Specialist

ATTENDEES: **Brian Gould**

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 9:30 a.m. A quorum was present with three Commissioners.

II. READING OF MINUTES

Motion by Mr. Carney seconded by Mr. Jones and carried to waive the reading of the Minutes of the Meeting held on Thursday, December 26, 2019.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

III. APPROVAL OF MINUTES

Motion by Mr. Carney seconded by Mr. Jones and carried to approve the Minutes of the Meeting held on Thursday, December 26, 2019.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

IV. REPORTS

A) SECRETARY

No Report

B) LEGAL

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)

2. Executive Session

Discussion with the Authority's General Counsel relating to proposed or pending litigation pursuant to Public Officers Law § 105(1)(d)

3. Executive Session

Discussion relating to security pursuant to Public Officers Law § 105(1)(a) (matters which imperil safety if disclosed)

Secretary McCracken reported that these executive sessions will be discussed after Unfinished Business.

C) FISCAL

No Report

D) OPERATIONS

No Report

E) HUMAN RESOURCES

No Report

F) AUDIT COMMITTEE

No Report

G) GOVERNANCE COMMITTEE

No Report

H) FINANCE COMMITTEE

No Report

I) ETHICS COMMITTEE

No Report

V. COMMUNICATIONS AND BILLS

C-1 AMENDED NOTICE OF CLAIM: MARIA BURKE V. ECWA ET. AL - RECEIVED AND FILED AND REFERRED TO LEGAL FOR FOLLOW UP

C-2 FOIL FROM EMPIRE CENTER RE COLLECTIVE BARGAINING CONTRACTS - RECEIVED AND FILED AND REFERRED TO LEGAL FOR FOLLOW UP

C-3 FOIL FROM TOTAL PIPING SOLUTIONS, INC. RE WATERMAIN MATERIALS PURCHASE CONTRACT - RECEIVED AND FILED AND REFERRED TO LEGAL FOR FOLLOW UP

C-4 FOIL FROM ANNOISE JENNINGS RE LIST OF PROPERTIES IN CHEEKTOWAGA, NY - RECEIVED AND FILED AND REFERRED TO LEGAL FOR FOLLOW UP

C-5 LETTER FROM ENVIRONMENTAL FACILITIES CORPORATION - RECEIVED AND FILED AND REFERRED TO LEGAL FOR FOLLOW UP

C-6 JOHN GILMOUR RESIGNATION LETTER

DISCUSSION

Chairman Schad thanked Mr. Gilmour for his service.

C-7 SUMMONS AND COMPLAINT: KURTZ V. ECWA ET. AL - RECEIVED AND FILED AND REFERRED TO LEGAL FOR FOLLOW UP

C-8 AMENDED SUMMONS AND COMPLAINT: MONCALIAN V. ECWA - RECEIVED AND FILED AND REFERRED TO LEGAL FOR FOLLOW UP

C-9 DEPARTMENT OF HEALTH LETTER - RECEIVED AND FILED AND REFERRED TO LEGAL FOR FOLLOW UP

VI. PERSONS ADDRESSING THE AUTHORITY

The Commissioners will hear the concerns of persons desiring to address the Commissioners on any Water Authority subject

No member of the public requested the opportunity to speak.

VII. UNFINISHED BUSINESS

None

Motion made by Mr. Carney, seconded by Mr. Jones to go into Executive Session for 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 9:34 a.m. Mr. Schad invited Mr. McCracken, Ms. Gillette, Ms. Murphy (via conference call) and Mr. NeMoyer.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

Motion made by Mr. Carney, seconded by Mr. Jones to exit Executive Session at 9:44 a.m.

DISCUSSION

Chairman Schad noted that a productive discussion was held.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

Motion made by Mr. Carney, seconded by Mr. Jones to go into Executive Session for discussion with the Authority's General Counsel relating to proposed or pending litigation

pursuant to Public Officers Law § 105(1)(d) at 9:44 a.m. Mr. Schad invited Mr. McCracken, Ms. Gillette, Ms. Murphy (via conference call), Ms. Prendergast and Mr. Stoll.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

Motion made by Mr. Carney, seconded by Mr. Jones to exit Executive Session at 10:03 a.m.

DISCUSSION

Chairman Schad noted that a productive discussion was held.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

Motion made by Mr. Carney, seconded by Mr. Jones to go into Executive Session for discussion relating to security pursuant to Public Officers Law § 105(1)(a) (matters which imperil safety if disclosed) at 10:04 a.m. Mr. Schad invited Mr. McCracken, Ms. Gillette, Ms. Murphy (via conference call), Ms. Prendergast, Mr. Kowalski, Mr. Barrett and Mr. Stoll.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

Motion made by Mr. Carney, seconded by Mr. Jones to exit Executive Session at 10:16 a.m.

DISCUSSION

Chairman Schad noted that a productive discussion was held.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

VIII. NEW BUSINESS

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

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 2 - AUTHORIZATION TO RETAIN HARRIS BEACH PLLC TO PROVIDE LEGAL COUNSEL ON BEHALF OF THE ERIE COUNTY WATER AUTHORITY

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

Motion by Mr. Carney, seconded by Mr. Jones that the retainer with Harris Beach PLLC, for the purposes of reviewing the direct service contract with the Town of Marilla, be amended to cap at \$15,000. Any further funds beyond \$15,000 require additional Board approval. With respect to the review of Ball Station easements that they be allowed \$5,000 as initial fees, any further amounts must be approved by the Board.

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

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

On the motion as amended,

Motion by Mr. Carney and seconded by Mr. Jones to approve the amended Item No. 2

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 3 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT FOR INFORMATION TECHNOLOGY SOLUTIONS AND CYBERSECURITY CONSULTING

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

Motion by Mr. Jones and seconded by Mr. Carney to suspend the agenda

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

Motion by Mr. Carney, seconded by Mr. Jones to authorize the hiring of AP Professionals for the purpose of assisting the Erie County Water Authority's IT Department in the implementation and upgrade of the new systems software and also to allow the hiring of a consultant to work with Mr. Ring on cybersecurity

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

Motion by Mr. Jones, seconded by Mr. Carney that the Secretary post the agreement with AP Professionals on the Authority's website

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 4 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH MCMAHON & MANN CONSULTING ENGINEERING AND GEOLOGY, PC TO PROVIDE THE ERIE COUNTY WATER AUTHORITY WITH GEOTECHNICAL ENGINEERING SERVICES FOR BALL PUMP STATION BYPASS PIPING, PROJECT NO. 201900289

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

Vice Chairman Carney asked if this item was in regard to the sinking issue discussed at the last meeting. Mr. Kowalski confirmed this is for Ball Pump Station and that geotechnical services will be provided. Mr. Kowalski added that the company has worked on projects in the past at Ball Pump Station, so they are familiar with geology. Commissioner Jones inquired if there were any other facilities that should be looked at. Mr. Kowalski will consult with the distribution department and prepare a list of all the facilities that should be checked.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 5 - AUTHORIZATION TO SOLICIT REQUEST FOR PROPOSALS FOR CONSULTING ENGINEERING SERVICES FOR POWDERED ACTIVATED CARBON SYSTEM IMPROVEMENTS, VAN DE WATER AND STURGEON POINT WATER TREATMENT PLANTS, PROJECT NO. 202000021

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 6 - AUTHORIZATION TO ENTER INTO A MAIN EXTENSION AGREEMENT (BUILDER-CONTRACTOR-DEVELOPER) WITH WATERFORD PINES COMMUNITY, LLC AND RUSSO DEVELOPMENT, INC. FOR THE CONSTRUCTION AND INSTALLATION OF APPROXIMATELY 110 LINEAR FEET OF EIGHT (8") INCH DIP AND 870 LINEAR FEET OF EIGHT (8") INCH PVC WATERMAIN, TWO (2) HYDRANTS, FOUR (4) LINE VALVES AND APPURTENANCES IN WATERFORD PINES PHASE 2-A, TOWN OF HAMBURG, NEW YORK, PROJECT NO. 200400497, EC NO. 7020

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 7 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR EXCAVATED
MATERIAL REMOVAL AND DISPOSAL APRIL 1, 2020 THROUGH
MARCH 31, 2022, PROJECT NO. 202000018**

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 8 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR PUMP VOLUTE
BLASTING AND PAINTING, PROJECT NO. 202000019**

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 9 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE FURNISHING AND DELIVERING OF DISTRIBUTION SYSTEM PRESSURE MONITORING SENSORS, PROJECT NO. 202000010

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

Chairman Schad asked if this is for help in SCADA control? Mr. Kowalski replied that the Authority will have the ability to monitor pressures away from pump stations and tanks, and if a PRV malfunctions, it will send out an alert.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 10 - APPROVAL OF CHANGE ORDER NO. 3 OF GEITER DONE OF WNY, INC. FOR EXCAVATED MATERIAL REMOVAL AND DISPOSAL, APRIL 1, 2018 THROUGH MARCH 31, 2020, PROJECT NO. 201800010, CONTRACT NO. 18-17-04 - \$4,813.43

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

Commissioner Jones asked if the Board was approving this item after the fact. Mr. Kowalski explained that the contractor was used to remove asbestos pipe from two locations. The work was performed prior to the Authority having the contract in place. There is now a contract for this work, so going forward the Authority will use that vendor.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 11 - APPROVAL OF WORK CHANGE DIRECTIVE NO. 1 OF KANDEY COMPANY, INC. FOR LARGE SERVICES CONTRACT, FEBRUARY 1, 2019 THROUGH JANUARY 31, 2021, PROJECT NO. 201900005, IDENTIFIED AS CONTRACT NO. 19-02-01

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

Commissioner Jones asked if this item is relative to the emergency. Mr. Kowalski noted that the Authority currently has a contract with Kandey Company for large service installations. He added that Kandey has a vast amount of experience doing this type of work as they have assisted with the emergency work at Sturgeon Point. Commissioner Jones inquired if this work is within the scope of the contract. Mr. Kowalski explained

that there is language in that contract to perform main installation. The work change directive will establish the scope, and once a number is established a change order will be issued.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 12 - AUTHORIZATION TO GRANT LEAK ALLOWANCE REQUESTS -
\$9,621.04**

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 13 - APPROVAL OF ONE-YEAR LEAVE OF ABSENCE FOR ANDREA POOLE
AND MARY STEPANIK**

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 14 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR AREA NO. 1
RESTORATION APRIL 1, 2020 THROUGH MARCH 31, 2022, PROJECT
NO. 202000016**

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 15 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR AREA NO. 2
RESTORATION APRIL 1, 2020 THROUGH MARCH 31, 2022, PROJECT
NO. 202000017**

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 16 - AUTHORIZATION TO CHIEF FINANCIAL OFFICER TO APPROVE, ON
THE BEHALF OF THE BOARD OF COMMISSIONERS, MASTER
PURCHASE ORDERS FOR PURCHASE OF COMPUTERS FROM STATE
CONTRACT**

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

IX. ADJOURNMENT

Motion by Mr. Carney seconded by Mr. Jones carried that the meeting adjourn

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None



Terrence D. McCracken
Secretary to the Authority

PF

01/16/20