

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 19th day of January 2023.

PRESENT: Jerome D. Schad, Chair
Peggy A. LaGree, Vice Chair (via videoconference)
Michele M. Iannello, Treasurer
Terrence D. McCracken, Secretary to the Authority
Joyce Tomaka, Chief Financial Officer
Mark S. Carney, General Counsel
Russell J. Stoll, COO
Leonard F. Kowalski, Executive Engineer (via teleconference)
Jennifer Hibt, Director of Human Resources
Lavonya C. Lester, Director of Administration
Sabrina A. Figler, Director of Water Quality
David W. Aubertine, Director of Cybersecurity and Information Technology
Matthew W. Barrett, Security Officer
Jessica R. Brown, Comptroller

ATTENDEES: Benjamin Edelman

PLEDGE TO THE FLAG

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 9:32 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, December 15, 2022.

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, December 15, 2022.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

IV. REPORTS

A. SECRETARY

1. 2023 Board Meeting Schedule

Secretary McCracken distributed an updated Board Meeting schedule for 2023. Secretary McCracken proposed that the Board schedule the Annual Board Meeting for Friday, April 28, 2023. This was approved by the Board and will be posted on the Authority's website.

Secretary McCracken informed the Commissioners that the county has reached out to the Authority relative to FEMA claims for the severe storms in November and December. The county has given the Authority the paperwork, and Joyce Tomaka is working with the department heads and the county to gather the necessary information. Chairman Schad asked how many hydrants were lost in these storms. Ms. Tomaka replied that 200 hydrants were lost.

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 the end of the meeting.

C. FISCAL

1. November 2022 Investment Report

Joyce Tomaka distributed the November 2022 Investment Report along with a brief explanation of the report.

2. November 2022 Financial Report

Joyce Tomaka distributed the November 2022 Monthly Financial report and briefly reviewed the data.

D. OPERATIONS

1. Projects Advertised for Bidding

Mr. Kowalski informed the Board of projects that have been advertised since the last Board meeting: MP-088 Sturgeon Point Water Treatment Plant Washwater Tank Replacement and Watermain Material Replacement Contract.

2. Final Payment Applications

Mr. Kowalski reported to the Board that there has been one final payment processed since the last board meeting: Area No. 1 Restoration, April 1, 2018 through March 31, 2020, PN 201800008

3. RFPs Solicited

Mr. Kowalski noted that the only RFP published since the last Board meeting was for the ECWA Operations Center. Seven (7) proposals were received on January 18, 2023. Commissioner Schad asked when the review will be completed in which Mr. Kowalski replied he plans on having it on the next meeting.

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 NOTICE OF CLAIM - MISSO V ECWA- RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP

C-2 NOTICE OF CLAIM - POLOWY V ECWA - RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP

- C-3 NOTICE OF CLAIM - WEBER V ECWA- RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**
- C-4 NOTICE OF CLAIM – WEDGEWOOD COMMONS CONDOMINIUM V ECWA- RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**
- C-5 FOIL FROM KELSEY KUCZYNSKI REGARDING CONTENT MANAGEMENT SYSTEM RFP - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-6 FOIL FROM JOHN LURASCHI REGARDING WATER USAGE, 6 SPINDRIFT DR., WILLIAMSVILLE - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-7 FOIL FROM STEVE DENZLER REGARDING TIMESHEET- RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-8 FOIL FROM MARTIN HUDI REGARDING 268 LAKEVIEW AVE., ORCHARD PARK - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-9 FOIL FROM JOHN BOORADY REGARDING WATER SHUT OFF RECORDS - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-10 FOIL FROM ERICA BROZOWSKI REGARDING WORK ORDER FOR 12 TERESA DR., LACKWANNA - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-11 FOIL FROM MARIBEL SOLA REGARDING WATER SHUT OFFS - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-12 FOIL FROM TIM HENDERSON REGARDING 716 SITE CONTRACTING, INC. - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-13 FOIL FROM KAYLA WULFF REGARDING 2048 ABBOTT RD., LACKAWANNA - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-13 FOIL FROM KATHARINE DEABLER-MEADOWS REGARDING WATER JUSTICE DATA COLLECTION - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

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.

Chairman Schad acknowledged there is a person in the audience who would like to address the Board, however, prior written notice was not received. Chairman Schad requested a motion to suspend the rules to allow the person to speak.

Motion by Ms. LaGree and seconded by Ms. Iannello and carried to suspend the rules to allow Benjamin Edelman to speak.

Benjamin Edelman spoke to the Board regarding devices that control water flow. Chairman Schad thanked Mr. Edelman for the information and stated that the Authority would investigate his concerns. Mr. Edelman reported that he had sent an email to the Authority's media email address.

VII. UNFINISHED BUSINESS

VIII. NEW BUSINESS

ITEM 1 - RESOLUTION GRANTING THE STATE OF NEW YORK AUTHORITY TO PERFORM THE ADJUSTMENT FOR THE OWNER AND AGREEING TO MAINTAIN FACILITIES ADJUSTED VIA STATE-LET CONTRACT IN CONNECTION WITH PIN NO. 5814.39, PROJECT NO. 202200110

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 EXECUTE AN ENTERPRISE AGREEMENT WITH MICROSOFT CORPORATION RELATIVE TO MICROSOFT OFFICE 365 AND MICROSOFT OFFICE PROFESSIONAL PLUS SOFTWARE

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 ENTER INTO A STATEMENT OF SERVICES WITH TOSHIBA AMERICA BUSINESS SOLUTIONS, INC. TO PROVIDE AN ENTERPRISE CONTENT MANAGEMENT SYSTEM, PROJECT NO. 202200249

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

DISCUSSION

On the question, Chairman Schad questioned if this was the project previously approved for a thirty-day trial period in which Mr. Aubertine responded yes. A brief discussion was then held regarding the timing and the status of the project. Chairman Schad said he looks forward to an update on the progress at the next Board meeting.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 4 - AWARD OF CONTRACT TO RUSSO DEVELOPMENT, INC. FOR SMALL SERVICES CONTRACT AREA NO. 1, FEBRUARY 1, 2023 THROUGH JANUARY 31, 2025, PROJECT NO. 202300001 - \$2,516,200.00

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

DISCUSSION

On the question, Commissioner Iannello asked for clarification as to how the process works. Mr. Stoll explained that Russo is on-call for these services. He noted that Area 1 is the north section, and Area 2 is the south section. Chairman Schad questioned what the price difference is from the previous contract. Mr. Kowalski reported that there is a \$375,000 increase in contract value based on the estimated quantities. Mr. Kowalski confirmed that Russo was the only bidder.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 5 - AWARD OF CONTRACT TO RUSSO DEVELOPMENT, INC. FOR SMALL SERVICES CONTRACT AREA NO. 2, FEBRUARY 1, 2023 THROUGH JANUARY 31, 2025, PROJECT NO. 202300002 - \$1,716,000.00

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 6 - AWARD OF CONTRACT TO KANDEY COMPANY, INC. FOR LARGE SERVICES CONTRACT, FEBRUARY 1, 2023 THROUGH JANUARY 31, 2025, PROJECT NO. 202300003 - \$2,664,620.00

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

DISCUSSION

On the question, Chairman Schad asked what the difference is from the last contract. Mr. Kowalski answered that it was a 5-8% increase across all the contract items. Again, only one bid received for this contract.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 7 - APPROVAL OF AMENDMENT NO. 2 TO THE CONTRACT WITH HOHL INDUSTRIAL SERVICES, INC. RELATING TO BUOY INSTALLATION AND UNDERWATER SERVICES, PROJECT NO. 202000015, CONTRACT NO. 20-15-04

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

DISCUSSION

Commissioner Iannello stated that this is an example of some of the costs incurred to deliver our water that the customers aren't aware of but are extremely important.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 8 - APPROVAL OF AMENDMENT NO. 1 TO THE CONTRACT WITH FLATIRON CRANE OPERATING COMPANY, LLC D/B/A SIMMERS CRANE DESIGN & SERVICES FOR THE OVERHEAD CRANE INSPECTION, REPAIR & MAINTENANCE, PROJECT NO. 202000142, CONTRACT NO. 21-07-02

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

DISCUSSION

On the question, Chairman Schad asked if this was a one-year extension with the same terms and conditions. Mr. Stoll responded that was correct.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello
Noes: None

ITEM 9 - APPROVAL OF AMENDMENT NO. 1 TO THE CONTRACT WITH NIAGARA COATINGS SERVICES, INC. FOR INDUSTRIAL BLASTING, PAINTING, AND ASSOCIATED MAINTENANCE, PROJECT NO. 202200036, CONTRACT NO. 22-19-04

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

DISCUSSION

On the question, Chairman Schad asked if this was a one-year extension with the same terms and conditions. Mr. Stoll responded that was correct.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello
Noes: None

ITEM 10 - RATIFICATION OF THE INSTALLATION OF HYDRANTS AND VALVES AND RETIREMENT OF EXISTING HYDRANTS AND VALVES - VARIOUS LOCATIONS

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

DISCUSSION

On the question, Commissioner Iannello asked what the cost is of replacing one hydrant. Mr. Kowalski responded that it depends on the location and type of hydrant, but the average is \$3,000 - \$7,000 per hydrant.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello
Noes: None

ITEM 11 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL O & M BUDGET FOR FISCAL YEAR 2022

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello
Noes: None

ITEM 12 - RESOLUTION RECOGNIZING THE SUCCESS OF THE LOW-INCOME HOUSEHOLD WATER ASSISTANCE PROGRAM AND APPROVAL TO EXECUTE LETTER OF SUPPORT FOR THE CONTINUATION OF THE PROGRAM

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

DISCUSSION

Chairman Schad stated that he hopes this will help continue the program and noted that the program has helped a lot of ECWA customers.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 13 - COMPENSATION FOR INCLEMENT WEATHER DAY

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 Sessions at 10:02 a.m. to discuss with the Authority's General Counsel 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). Mr. Schad invited Terrence McCracken, Mark Carney, Russell Stoll, Joyce Tomaka and Leonard Kowalski.

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 noted that a productive discussion was held, and the Board has given direction to Counsel for a course of action. As a result of the discussion, Chairman Schad announced that a Special Board Meeting will be held on Thursday, February 2, 2023, at 12:30 p.m.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello
Noes: None

IX. ADJOURNMENT

Motion by Ms. LaGree seconded by Ms. Iannello carried that the meeting adjourned at 10:51 a.m.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello
Noes: None



Terrence D. McCracken
Secretary to the Authority

ALH