

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 20th day of October 2022.

PRESENT: Jerome D. Schad, Chair
Peggy A. LaGree, Vice Chair
Michele M. Iannello, Treasurer
Terrence D. McCracken, Secretary to the Authority
Karen A. Prendergast, Chief Financial Officer
Mark S. Carney, General Counsel
Russell J. Stoll, COO
Leonard F. Kowalski, Executive Engineer
Jennifer Hibt, Director of Human Resources
Joyce A. Tomaka, Comptroller
Lavonya C. Lester, Director of Administration
Katherine A. Gillette, Associate Attorney
David W. Aubertine, Director of Cybersecurity and Information Technology
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, September 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, September 15, 2022.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

IV. REPORTS

A. SECRETARY

1. Government Relations and Lobbying Services RFP

Mr. McCracken reported that on October 5, 2022, the above RFP was issued and is due back by close of business on October 26, 2022. The Authority is currently under contract with Masiello, Martucci, Calabrese & Associates which expires at the end of the year.

B. LEGAL

1. Executive Session

Discussion relating to litigation with the Town of Elma with the Authority's General Counsel pursuant to Public Officers Law §105(1)(d) and §108(3)

2. Executive Session

Discussion relating to proposed litigation over land ownership with the Town of Tonawanda with the Authority's General Counsel pursuant to Public Officers Law §105(1)(d) and §108(3)

3. 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 sessions have been deferred to the end of the meeting.

C. FISCAL

1. August 2022 Investment Report

Karen Prendergast distributed the August 2022 Investment Report along with a brief explanation of the report.

2. August 2022 Financial Report

Joyce Tomaka distributed the August 2022 Monthly Financial report which includes operating revenue, investment income, operating expense and net income, and briefly reviewed the data.

D. OPERATIONS

1. RFP Recommendation

Cisco Phone Systems Maintenance

David Aubertine reported that an RFP was recently issued for the above service. The RFP was issued to five firms with only three respondents. After a review of the proposals, it was determined that ePlus is the best fit for the job.

2. Contracts for Advertisements

Leonard Kowalski informed the Board that the Heating, Ventilating and Air Conditioning Service and Preventative Maintenance Work contract was advertised for bids.

3. 2022 EPA Lead and Copper Monitoring Program

Sabrina Figler advised the Board that the 2022 Lead and Copper Monitoring Program has been completed. Ms. Figler gave a brief recap of the study including all results. She advised that at the current time the results from the study indicate that our current corrosion control treatment program is effective in preventing the lead and copper into our drinking water. Chairman Schad asked if she had any idea on the projected change in regulations and whether any of the results of this are going to show up because of a change in the threshold that we are going to be at the cusp of having reportable events. Ms. Figler advised that we extrapolated based on the results on this study, and at this point in time, it looks like the Authority will be above the action level in 2025, as the proposal stands now. Commissioner Schad further asked if there are solutions that we can start to implement so we are below the action level. Mr. Kowalski noted that the Authority has been working on those for the past several years, and the Pipe Loop Study will tell us if we need to make any changes in our current corrosion control process.

4. 2022 Lead and Copper Monitoring Program Results

See Number 3 above

- 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 – KELLIE BOLDEN VS. ECWA - RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**
- C-2 NOTICE OF CLAIM – NATIONAL FUEL GAS DISTRIBUTION CORPORATION VS. ECWA - RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**
- C-3 NOTICE OF CLAIM – DARRIN KUBIK VS. ECWA - RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**
- C-4 FOIL FROM LIPSITZ GREEN SCIME CAMBRIA LLP REGARDING VALERIE ALBA - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-5 FOIL FROM NEW YORK FOUNDATION FOR FAIR CONTRACTING REGARDING CONTRACT NO. DA-011 - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-6 FOIL FROM SMARTPROCURE REGARDING PURCHASING RECORDS FROM MAY 12, 2022 THROUGH PRESENT - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-7 FOIL FROM FREEDOM FOUNDATION REGARDING EMPLOYEE INFORMATION - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

**C-8 KAREN PRENDERGAST, CHIEF FINANCIAL OFFICER RETIREMENT -
RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

The Commissioners thanked Ms. Prendergast for her service.

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

VIII. NEW BUSINESS

ITEM 1 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH HUNT ENGINEERS, ARCHITECTS, LAND SURVEYORS & LANDSCAPE ARCHITECTS, DPC FOR PROFESSIONAL ENGINEERING SERVICES RELATING TO DRAINAGE IMPROVEMENTS TO THE WILLIAM STREET PUMP STATION LOCATED IN THE TOWN OF LANCASTER, NEW YORK, IDENTIFIED AS CONTRACT NO. HE-002, PROJECT NO. 202200235

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 A SERVICE AGREEMENT WITH VERIZON BUSINESS NETWORK SERVICES, LLC RELATIVE TO INTERNET SERVICES

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 MASTER SOFTWARE AND SERVICES AGREEMENT AND STATEMENT OF SERVICES WITH TOSHIBA AMERICA BUSINESS SOLUTIONS, INC. RELATIVE TO THE ENTERPRISE CONTENT MANAGEMENT SYSTEM, PROJECT NO. 202200249

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

DISCUSSION

Commissioner LaGree noted that she is pleased we are moving forward with this project and believes conducting the test before entering into an agreement is the right thing to do.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 4 - AUTHORIZATION TO ENTER INTO A PREVENTATIVE MAINTENANCE SERVICE AGREEMENT WITH SIEMENS LARGE DRIVES, LLC TO PROVIDE PREVENTATIVE MAINTENANCE SERVICES FOR SIEMENS VARIABLE FREQUENCY DRIVES, IDENTIFIED AS CONTRACT NO. ROB-009, PROJECT NO. 202200138

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 - AUTHORIZATION TO ENTER INTO A CONTRACT WITH ANTHRATECH US, INC. D/B/A AWI FOR CONTRACT NO. MP-090-P01 FILTER UNDERDRAIN PROCUREMENT STURGEON POINT WATER TREATMENT PLANT FILTRATION PIPING, VALVE, AND UNDERDRAIN SYSTEM IMPROVEMENTS, PROJECT NO. 202200014 - \$3,224,243.00

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 E&R GENERAL CONTRACTING, INC. FOR CONTRACT NO. GP-010 WATER SYSTEM IMPROVEMENTS, TRANSMISSION AND DISTRIBUTION MAINS WILLET ROAD, ABBOTT ROAD, AND NORTH DRIVE, CITY OF LACKAWANNA, TOWNS OF HAMBURG AND ORCHARD PARK, PROJECT NO. 202100035 - \$9,937,080.00

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 7 - AWARD OF CONTRACT TO MOTION AUTOMATION INTELLIGENCE FOR CONTRACT NO. MP-090-P06 PLC EQUIPMENT PROCUREMENT STURGEON POINT WATER TREATMENT PLANT FILTRATION PIPING, VALVE, AND UNDERDRAIN SYSTEM IMPROVEMENTS, PROJECT NO. 202200014 - \$324,000.00

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 8 - APPROVAL OF AMENDMENT NO. 1 TO THE CONTRACT WITH GREATER NIAGARA MECHANICAL, INC. FOR HEATING, VENTILATING AND AIR CONDITIONING SERVICE AND PREVENTIVE MAINTENANCE WORK, PROJECT NO. 202000098, IDENTIFIED AS CONTRACT NO. 20-26-12

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 9 - APPROVAL OF AMENDMENT NO. 1 TO THE CONTRACT WITH K&S CONTRACTORS SUPPLY, INC. FOR THE FURNISHING AND DELIVERING OF LARGE DIAMETER HYMAX COUPLINGS TO THE ERIE COUNTY WATER AUTHORITY, PROJECT NO. 202200084, IDENTIFIED AS CONTRACT NO. 22-20-05

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

DISCUSSION

On the question, Commissioner Schad asked if this was just an extension of time at the same price in which Mr. Kowalski replied yes.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 10 - APPROVAL OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH NUSSBAUMER & CLARKE, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES FOR NEW PUMP STATION AT THE NEWSTEAD WATER STORAGE TANK, IDENTIFIED AS CONTRACT NO. NC-043, PROJECT NO. 202100048

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

DISCUSSION

Commissioner LaGree inquired if this is only design alternatives. Executive Engineer Kowalski replied that the original scope of work didn't include these alternatives as they went through the design process for the basis of design and speaking with the operations staff, they came up with some additional work they wanted in the project that increased the cost. Chairman Schad noted that one of the items is a bypass and asked Mr. Kowalski to elaborate. He explained that this is bypassing the tank so if the tank needs to be taken out of service for inspection it would allow for the station to be bypassed.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 11 - APPROVAL OF AMENDMENT NO. 1 TO THE MATERIALS AND SUPPLIES CONTRACT WITH SOUTHTOWN SUPPLY, INC. FOR THE FURNISHING AND DELIVERING OF VARIOUS WOOD PRODUCTS TO THE ERIE COUNTY WATER AUTHORITY, PROJECT NO. 202100197, IDENTIFIED AS CONTRACT NO. 21-31-12

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 - APPROVAL OF AMENDMENT TO THE RIGHT OF ENTRY AGREEMENT WITH THE TOWN OF TONAWANDA, NEW YORK RELATING TO CONTRACT NO. GHD-011, PROJECT NO. 202200010 (CCII)

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 13 - APPROVAL OF AMENDMENT NO. 3 TO THE PROFESSIONAL SERVICES AGREEMENT WITH NEW YORK STATE INDUSTRIES FOR THE DISABLED, INC. AND THE ERIE COUNTY CHAPTER NYSARC, INC. D/B/A THE ARC ERIE COUNTY NEW YORK FOR LANDSCAPING, GROUND IMPROVEMENTS AND MAINTENANCE OF PROPERTIES OF THE ERIE COUNTY WATER AUTHORITY ERIE COUNTY, NEW YORK, PROJECT NO. 202100004

Motion by Ms. LaGree and there being no second, the motion fails.

DISCUSSION

None

ITEM 14 - 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

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 15 - 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 16 - 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 17 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL CAPITAL 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 18 - ADOPTION OF THE 2023 OPERATING & MAINTENANCE AND CAPITAL BUDGETS AND PARIS SUBMISSION

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

DISCUSSION

On the question, the Board commended everyone who was involved in the 2022 budget process, as it was a team effort. Each Commissioner commented on why they support the 2022 budget.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 19 - JOYCE A. TOMAKA - APPOINTMENT AS CHIEF FINANCIAL OFFICER

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

DISCUSSION

Commissioner Iannello noted that after working with Joyce Tomaka, she believes Ms. Tomaka is definitely a good choice for the position and looks forward to working with her. Commissioners Schad and LaGree supported the comment.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 20 - AUTHORIZATION FOR SABRINA FIGLER, DIRECTOR OF WATER QUALITY AND JAMES FIGLER, SENIOR ANALYTICAL CHEMIST (WATER QUALITY) TO ATTEND THE AWWA WATER QUALITY TECHNOLOGY CONFERENCE IN CINCINNATI, OHIO

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 21 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY DEBT MANAGEMENT POLICY

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 22 - AUTHORIZATION TO ADOPT THE NEWLY REVISED EMPLOYEE POLICIES AND PROCEDURES MANUAL

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 23 - AUTHORIZATION TO ADOPT AN ERIE COUNTY WATER AUTHORITY COVID-19 POLICIES AND PROCEDURES

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

DISCUSSION

Jennifer Hibit noted that obviously with the unknowns of how things are going to go, the Covid-19 Policies and Procedures will be able to be revised along the way as needed.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

Motion made by Ms. LaGree, seconded by Ms. Iannello to go into Executive Sessions for the following: to discuss with the Authority's General Counsel matters relating to proposed or pending litigation with the Town of Elma pursuant to Public Officers Law § 105(1)(d) and §108(3); discussion relating to proposed litigation over land ownership with the Town of Tonawanda with the Authority's General Counsel pursuant to Public Officers Law § 105(1)(d) and §108(3) and 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 10:13 a.m. Mr. Schad invited Terrence McCracken, Russell Stoll, Leonard Kowalski, Karen Prendergast, Joyce Tomaka, Katherine Gillette and Mark Carney.

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 10:51 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 on each of the legal matters.

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

PG