

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 7th day of October 2020.

PRESENT: Jerome D. Schad, Chairman
 Mark S. Carney, Vice Chairman
 Peggy A. LaGree, Treasurer (via videoconference)
 Terrence D. McCracken, Secretary to the Authority
 Margaret A. Murphy, General Counsel (via teleconference)
 Karen A. Prendergast, Chief Financial Officer (via teleconference)
 Russell J. Stoll, Chief Operating Officer
 Leonard F. Kowalski, Executive Engineer (via teleconference)
 Daniel J. NeMoyer, Director of Human Resources (via teleconference)
 Joyce A. Tomaka, Comptroller (via teleconference)
 Lavonya C. Lester, Director of Administration (via teleconference)
 Sabrina A. Figler, Director of Water Quality (via teleconference)
 Matthew W. Barrett, Security Officer (via teleconference)
 Jeffrey C. Schlierf, Acting Manager of Information Technology (via teleconference)

ATTENDEES:

PLEDGE TO THE FLAG

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 Ms. LaGree and carried to read the Minutes of the Meeting held on Thursday, September 24, 2020.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

III. APPROVAL OF MINUTES

Motion by Mr. Carney seconded by Ms. LaGree and carried to approve the Minutes of the Meeting held on Thursday, September 24, 2020.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

IV. REPORTS

A) SECRETARY

1. Board Meeting Schedule

A discussion was held relative to the Board meeting schedule for the remainder of the year. A question was raised as to whether or not hold the scheduled meeting on November 5, 2020. After a discussion, it was decided to cancel the November 5th meeting.

2. Civil Service Approvals

Secretary McCracken informed the Board that Erie County Department of Personnel approved appointments for 3 Water Plant Helpers, Distribution Engineer, Pump Mechanic and a Diesel Generator Mechanic.

3. Lease Agreement with the Town of Cheektowaga

Secretary McCracken reported that the initial plan with the Town of Cheektowaga regarding the Town of Cheektowaga Police Department's request for access to Wehrle Tank for radio transmitting equipment for public safety purposes was unworkable. However, the Authority and the Cheektowaga Police department continued to negotiate and subsequently reached an agreement. Vice Chairman Carney noted that ¶ 5.8 (B) (Tank and Property Management) relates to the Town's responsibility if the Authority chooses to paint Wehrle Tank. Since the Authority is requiring the Town to remove and/or relocate their equipment when the tank is being painted, he would like language added to the agreement that the removal and reconnection is done at the Town's expense. In addition, Vice Chairman Carney requested that language to the agreement be added to ¶ 7.4 (Site Restoration) making it clear that the Town is responsible for the cost when removing their equipment; repairing any damage in paint, and if they don't remove it, then the Authority has the ability to remove it and surcharge the Town or they're

responsible for that cost. Ms. Prendergast explained to Commissioner LaGree that there is a separate line item for the revenue the Authority receives from the Town.

Secretary McCracken informed the Commissioners that the Village Board of the Village of East Aurora has met relative to the Use and Access agreement for Castle Hill Pump Station (Item 4 on the Board agenda) and has some minor changes to the agreement. The Legal department is advising that Item 4 be approved based on final approval from General Counsel Murphy. Vice Chairman Carney remarked he will ask his questions when they get to Item 4. Commissioner Carney then requested that the revised binders come as a red line version.

B) LEGAL

No Report

C) FISCAL

No Report

D) OPERATIONS

1. Change Order for One Pre-Cast Concrete Building for Caustic Soda at the Pine Hill Pump Station Kowalski

Leonard Kowalski reported that a change order is needed for the One Pre-Cast Concrete Building for Caustic Soda at the Pine Hill Pump Station contract. He explained that during a shop drawing review, ECWA realized a roll-up door was required for chemical tote deliveries, rather than 55-gal drums of caustic. Due to the volume of caustic to be used, 300-gal. chemical totes are required. To bring the totes within the precast concrete building, a roll-up door is required in lieu of a man-door.

2. Amendment for Contract No. GHD-007 Kowalski

Mr. Kowalski reported that during the preliminary design stage of Contract GHD-007, it was anticipated that a new butterfly valve (to replace the existing valve) would be sufficient to control water flow into the Guenther water storage tank. In addition, due to the small footprint of the pump station, an altitude valve would not fit within the pump station building. Based on ECWA's recent experience, during high demands over this past summer, it was evident that a more precise means of operating water storage tanks and controlling tank turnover is required. This was realized during detailed design of the Gunther Pump Station Rehabilitation. As ECWA looked into the use of an altitude valve, a valve was found that could fit within the space requirements of the water storage tank valve chamber, so the limited space within the pump station did not dictate valve type. The flow control altitude valve is more robust than a butterfly valve and will provide greater resiliency and flexibility to the Guenther Pump Station. GHD is requesting an additional \$21,000 to perform the work.

After Mr. Kowalski's report, a discussion was held with several questions from the Commissioners primarily relating to why this project wasn't properly engineered in the first place. The Commissioners expressed their dissatisfaction at the way this was handled by the consultant.

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

(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 RE CONTRACT GP-008 - RECEIVED AND FILED AND REFERRED TO SECRETARY 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

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 Ms. LaGree and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 2 - FINAL ACCEPTANCE OF PROJECT WITH FERGUSON ELECTRIC CONSTRUCTION CO., INC. FOR CONTRACT NO. NC-35, BALL PUMP STATION ELECTRICAL, PROJECT NO. 201600238, CONTRACT NO. 18-19-07 - \$127,037.47

Motion by Mr. Carney and seconded by Ms. LaGree and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 3 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH LABELLA ASSOCIATES TO PROVIDE CONSULTING ENGINEERING SERVICES FOR VAN DE WATER TREATMENT PLANT AND RAW WATER PUMP STATION HVAC UPGRADES, IDENTIFIED AS CONTRACT NO. LA-004, PROJECT NO. 202000236

Motion by Mr. Carney and seconded by Ms. LaGree and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 4 - AUTHORIZATION TO ENTER INTO AN ACCESS AND USE AGREEMENT WITH THE VILLAGE OF EAST AURORA, NEW YORK RELATIVE TO CASTLE HILL PUMP STATION REPLACEMENT, CONTRACT NO. LA-002, PROJECT NO. 202000178

Motion by Mr. Carney to approve Item No. 4 subject to final approval from the Authority's General Counsel, seconded by Ms. LaGree and carried, as amended

DISCUSSION

A lengthy discussion was held relative to the above item. Vice Chairman Carney questioned why was it discovered after the Authority took over the Town of Aurora water system, that the Castle Hill pump station was not up to code at the time the Authority took over the water system. Mr. Carney also questioned why the Authority wasn't aware that the Village owns the land that the pump station sits on and not the Town. Mr. Stoll remarked that Engineering was aware of the problems but not to the extent of the problems. Ms. Murphy informed the Commissioners that the Authority is using outside counsel for the easements. Commissioner Carney believes the Town should be responsible for the Authority's legal fees because the Town made the claim that they had an easement in which the Authority relied on that claim. The Authority later discovered that the Town does not have an easement, and as a result the Authority is spending money to fix it. Ms. Murphy noted she will speak to the Town relative to same.

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 5 - APPROVAL OF CHANGE ORDER NO. 1 OF LAKELANDS CONCRETE PRODUCTS, INC. FOR THE FURNISHING AND DELIVERING OF ONE PRE-CAST CONCRETE BUILDING FOR CAUSTIC SODA AT THE PINE HILL PUMP STATION, PROJECT NO. 202000013, CONTRACT NO. 20-16-04 - \$1,245.00

Motion by Mr. Carney and seconded by Ms. LaGree and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 6 - APPROVAL OF AMENDMENT NO. 2 OF GHD TO PROVIDE CONSULTING ENGINEERING SERVICES FOR THE ERIE COUNTY WATER AUTHORITY'S GUENTHER PUMP STATION REHABILITATION, PROJECT NO. 201800138, IDENTIFIED AS CONTRACT NO. GHD-007 - \$21,000.00

No motion or second was made to approve Amendment No. 2 of GHD to Provide Consulting Engineering Services for the Erie County Water Authority's Guenther Pump Station Rehabilitation, Project No. 201800138, identified as Contract No. GHD-007 - \$21,000.00

DISCUSSION

None

VOTE

Ayes: None

Noes: None

Resolution is defeated

ITEM 7 - AUTHORIZATION TO REFUND SERVICE CONNECTION FEE TO HOGG BUILDERS, INC. - \$400.00

Motion by Mr. Carney and seconded by Ms. LaGree and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 8 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2020

Motion by Mr. Carney and seconded by Ms. LaGree and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

**ITEM 9 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER
AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2020**

Motion by Mr. Carney and seconded by Ms. LaGree and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

**ITEM 10 - AUTHORIZATION TO ENTER INTO A LEASE AGREEMENT WITH THE
TOWN OF CHEEKTOWAGA FOR LEASING OF SPACE ON THE ERIE
COUNTY WATER AUTHORITY'S WEHRLE TANK FOR WIRELESS
COMMUNICATIONS**

Motion by Mr. Carney and seconded by Ms. LaGree and carried

DISCUSSION

On the question, Mr. Carney asked for an amendment that the lease be modified by the term's earlier discussed with respect to the cost of removal of the equipment to be borne by the lessee at the end of the lease and with respect to if painting the tower has to happen then the lessee has to remove and reattach the equipment at their own cost.

Motion by Mr. Carney that Item No. 10 be amended in that the lease be modified by the term's earlier discussed with respect to the cost of removal of the equipment to be borne by the lessee at the end of the lease and with respect to if painting the tower has to happen then the lessee has to remove and reattach the equipment at their own cost, seconded by Ms. LaGree

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

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

On the motion as amended,

Motion by Mr. Carney seconded by Ms. LaGree to approve the amended Item No. 10

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

IX. ADJOURNMENT

Motion by Mr. Carney seconded by Ms. LaGree carried that the meeting adjourn

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

A handwritten signature in black ink, appearing to read 'T. D. McCracken', with a long horizontal flourish extending to the right.

Terrence D. McCracken
Secretary to the Authority

PF