

**MINUTES** of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 17<sup>th</sup> day of November 2022.

**PRESENT:** Jerome D. Schad, Chair  
 Peggy A. LaGree, Vice Chair  
 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  
 Jennifer Hibit, Director of Human Resources  
 Lavonya C. Lester, Director of Administration  
 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 9:32 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, October 20, 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, October 20, 2022.

#### **DISCUSSION**

None

#### **VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

### **IV. REPORTS**

#### **A. SECRETARY**

##### **1. 2023 Board Meeting Schedule**

Secretary McCracken discussed the tentative schedule for 2023 Board meetings. A discussion was held regarding the date of the Annual meeting. The date will be confirmed at a later date.

#### **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.

The above executive session has been deferred to the end of the meeting.

#### **C. FISCAL**

##### **1. COVID-19 Summary Recap**

Joyce Tomaka presented a summary of credits and refunds received by the Authority relating to costs that had been incurred during COVID-19. Ms. Tomaka informed the Board that the LIHWAP Program has been extended through September 30, 2023.

Commissioner Schad asked if this represents an annual experience of customer bills. Ms. Tomaka replied that there is a limit based on what the customer qualifies for. She noted that the summary is recorded in payments vs. customers. Commissioner Schad suggested that we ask our Lobbyist to work on continuing this program for the customers.

2. September 2022 Financial Report

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

3. September 2022 Investment Report

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

**D. OPERATIONS**

1. Projects Advertised for Bidding

Leonard Kowalski informed the Board that the Delivering and Furnishing of Fluorosilicic Acid contract has been advertised for bids.

**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 – TINA TOOMER VS. ECWA, ET AL. - RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**

**C-2 NOTICE OF CLAIM – CAROLYN MOSES VS. ECWA - RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**

**C-3 NOTICE OF CLAIM - ALBERT POPPENBERG VS. ECWA - RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**

**C-4 NOTICE OF CLAIM – LEIGH SWORTS ON BEHALF OF ZHJIAO BU VS. ECWA - RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**

**C-5 FOIL FROM BUFFALO NIAGARA WATERKEEPER REGARDING POTABLE WATER USAGE - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

**C-6 FOIL FROM HARMON HOMES REALTY, INC. - 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. No one appeared to speak.

## **VII. UNFINISHED BUSINESS**

## **VIII. NEW BUSINESS**

**ITEM 1 - AUTHORIZATION TO ENTER INTO PROFESSIONAL SERVICES AGREEMENT WITH EPLUS TECHNOLOGY, INC. FOR CISCO IP PHONE SYSTEM MAINTENANCE SERVICES, PROJECT NO. 202200275, IDENTIFIED AS CONTRACT NO. ET-001**

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

### **DISCUSSION**

On the question, Commissioner LaGree inquired if the project would be completed in one month. Mr. Aubertine answered that there is series of items in scope that will be completed with this project.

### **VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 2 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH MASIELLO, MARTUCCI AND ASSOCIATES TO PROVIDE GOVERNMENT RELATIONS AND LOBBYING SERVICES, PROJECT NO. 202200276**

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

### **DISCUSSION**

On the question, Commissioner LaGree asked Secretary McCracken if this agreement has the same terms and conditions as the previous agreement. Secretary McCracken verified that the terms and conditions were the same. Commissioner Schad requested that a

meeting with Masiello, Martucci and Associates be scheduled. Secretary McCracken replied that he and Mr. Stoll are already in the process of scheduling a meeting. Commissioner Schad stated that going forward we need to discuss what we would like to achieve with the lobbyists.

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 3 - AUTHORIZATION TO ENTER INTO PROFESSIONAL SERVICES CONTRACT WITH THE SHENEHON COMPANY TO PROVIDE APPRAISAL SERVICES, PROJECT NO. 202200278, IDENTIFIED AS CONTRACT NO. SH-001**

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

**DISCUSSION**

On the question, Commissioner Iannello inquired to the location of the contractor. It was determined that they are in Minneapolis. Commissioner LaGree asked if the retainer will cover all the expenses in which Mr. Carney replied that it would not. He added that the appraisals should be completed in sixty to ninety days.

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 4 - AWARD OF CONTRACT TO GREATER NIAGARA MECHANICAL, INC. FOR HEATING, VENTILATING, AND AIR CONDITIONING SERVICE AND PREVENTIVE MAINTENANCE WORK FOR ONE YEAR, PROJECT NO. 202200217 - \$143,175.00**

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 AMENDMENT NO. 3 TO THE PROFESSIONAL SERVICES AGREEMENT WITH NEW YORK STATE INDUSTRIES FOR THE DISABLED 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 seconded by Ms. Iannello and carried.

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 6 - 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 7 - 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**

On the question, Commissioner LaGree questioned as to why this is an amendment to the Capital Budget and not the O&M Budget. Mr. Kowalski gave a brief explanation. Commissioner Schad inquired if this is the expected life of the cables. Mr. Kowalski expects the cables to last forty to fifty years. Commissioner Schad noted that the pictures of the cables looked like someone drilled holes in them and inquired if this might be covered by insurance. Mr. Kowalski responded that he would discuss with Ms. Musarra. Commissioner Schad stated that he would like someone to check into the possibility because of the large cost.

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 8 - AUTHORIZATION FOR ADDITIONAL VACATION TIME FOR TWO (2)  
NEW CASH MANAGERS**

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 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER  
AUTHORITY'S TARIFF**

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 to discuss 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 9:57 a.m. Mr. Schad invited Terrence McCracken, Mark Carney, 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 11:05 a.m.

**DISCUSSION**

Chairman Schad noted that a lengthy discussion was held with Legal and Human Resources and the Board has given direction for them to follow up.

**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 11:05 a.m.

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

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

PG