

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 November 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 Tuesday, October 27, 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 Tuesday, October 27, 2020.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

IV. REPORTS

A) SECRETARY

No Report

B) LEGAL

No Report

C) FISCAL

1. Service Contract for Billing, Printing and Mailing Services
PN 202000201

Prendergast

Karen Prendergast reminded the Board that at the October 27, 2020 meeting, the resolution awarding the billing, printing and mailing services contract to LevelOne was moved to unfinished business. This was because after review of the proposed agreement, the ability to control the extensive use of subcontractors would be limited, and not in the best interest of the Authority. The second and third lowest bidders' proposals have since been reviewed, and Ms. Prendergast recommends retaining the third lowest bidder, Matrix Imaging. Matrix is the Authority's current contractor for the abovementioned services and has been a trusted partner for the past ten years and has provided excellent service. Ms. Prendergast asked that the Board remove the resolution from Unfinished Business and approve entering into an agreement with Matrix Imaging. Chairman Schad confirmed with the Legal department that this was reviewed by Legal staff.

2. Purchase Order List 2020-23

Prendergast

Karen Prendergast informed the Commissioners that they have received the 2020-23 purchase order list. In light of the fact that only one meeting will be held in November, there was a resolution on the October 27th board meeting allowing for an interim approval of purchase orders. Purchase Order list 2020-23 has been approved by Ms. Prendergast.

OPERATIONS

1. Center St., City of Lackawanna Potential Cooperative Agreement

Kowalski

Executive Engineer Leonard Kowalski reminded the Board that the City of Lackawanna (the “City”) is doing a full depth reconstruction on Center Street in Lackawanna. The City approached the Authority to see if we are interested in replacing the waterline prior to the City doing this roadwork. A discussion was held that possibly a Betterment Agreement could be used to get this work accomplished. However, the City doesn't have the funding to cover the waterline work and then get reimbursed from the Authority. Subsequently, Executive Engineer Leonard Kowalski and General Counsel Margaret Murphy discussed the matter, and Ms. Murphy explained that the Cooperative Agreement can include language that dictates once the City receives an invoice from their consultant for waterline work, the City would invoice the Authority, the Authority would make payment and then the City would pay the consultant. The same procedure would be used during the construction phase. The bidding documents will contain unit price items for the waterline work, and once the City is invoiced for the waterline work, the City will then invoice the Authority. Language will need to be included in the bidding documents and contract between the City and contractor stating the contractual obligations between the Authority and City for payment of the waterline items. Approximately \$900,000 has been identified to use towards the project, additional funds would be identified under Unit 2590 Eng/Const Distribution Mains and Unit 2595 Eng/Const Transmission Mains to fund the remainder of the project. As we go through the bidding process for those projects next year, we should be able to identify additional funding to cover the remainder of this work. Mr. Kowalski explained to Commissioner LaGree where the money would come from. A brief discussion was held relative to the invoicing process. Len will continue the process of negotiating a Cooperative Agreement.

E) HUMAN RESOURCES

No Report

F) AUDIT COMMITTEE

No Report

G) GOVERNANCE COMMITTEE

No Report

H) FINANCE COMMITTEE

No Report

D) 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 FROM YVONNE TRIPI, ESQ. REGARDING COLLECTIVE BARGAINING AGREEMENTS (CSEA AND BROTHERHOOD OF WNY) - RECEIVED AND FILED AND REFERRED TO SECRETARY FOR FOLLOW UP**
- C-2 FOIL FROM INSITE REAL ESTATE, LLC REGARDING 5355 GENESEE STREET - RECEIVED AND FILED AND REFERRED TO SECRETARY FOR FOLLOW UP**
- C-3 FOIL FROM MICHAEL LANCER, ESQ. REGARDING FIRE HYDRANT LOCATED AT 29 CHESTNUT HILL LANE SOUTH, WILLIAMSVILLE, NY - RECEIVED AND FILED AND REFERRED TO SECRETARY FOR FOLLOW UP**
- C-4 NOC – MARC CONAWAY - RECEIVED AND FILED AND REFERRED TO LEGAL FOR FOLLOW UP**
- C-5 NOC – ERROLD DALEY - RECEIVED AND FILED AND REFERRED TO LEGAL FOR FOLLOW UP**
- C-6 NOC – DAVID WHIGHTMAN - RECEIVED AND FILED AND REFERRED TO LEGAL FOR FOLLOW UP**
- C-7 NOC – MATTHEW STRASSER - 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

ITEM 24 - AUTHORIZATION TO ENTER INTO A SERVICE AGREEMENT WITH LEVEL ONE, LLC TO PROVIDE THE ERIE COUNTY WATER AUTHORITY WITH BILL, PRINTING AND MAILING SERVICES, PROJECT NO. 202000201

Motion by _____ seconded by _____

WHEREAS, on July 30, 2020 the Erie County Water Authority's (the "Authority") Board of Commissioners authorized the issuance of a Request for Proposals ("RFP") to qualified firms to provide Bill, Printing and Mailing Services; and

WHEREAS, a copy of the RFP was sent to the vendors listed on attached Schedule "A"; and

WHEREAS, another four firms obtained and responded to the RFP through the Authority's website: Level One, LLC, Moonlight Mailing, Professional Services and South Data; and

WHEREAS, the respondents to the RFP are also listed on attached Schedule "A"; and

WHEREAS, upon evaluating the response to the RFP, the Authority deems it advisable to have Level One, LLC provide Bill, Printing and Mailing Services; and

WHEREAS, Pursuant to Article 2 Payment of Professional Services, paragraph 2.02 in the Service Agreement, costs for services provided under the agreement shall be billed at rates listed on attached "Schedule B"; and

WHEREAS, Joyce A. Tomaka, Comptroller and Karen A. Prendergast, CFO recommend that the Authority enter into a Service Agreement with Level One, LLC to provide the Authority with Bill, Printing and Mailing Services;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority accepts the proposal of Level One, LLC to provide the Authority with Bill, Printing and Mailing Services; and be it further

RESOLVED: That the Chairman is authorized to execute said agreement on behalf of the Authority; and be it further

RESOLVED: That the Secretary is authorized to forward an executed copy of said Agreement together with a certified copy of this resolution to Level One, LLC.

Ayes:

Noes:

10/27/20-pjf

Discussion

Secretary McCracken reported that this is the item that Ms. Prendergast discussed earlier. Ms. Prendergast and the other executive staff members recommend hiring Matrix Imaging Solutions, Inc. for the Bill, Printing and Mailing Services.

Chairman Schad entertained a motion to receive and file.

Motion by Mr. Carney seconded by Ms. LaGree to receive and file Item No. 24 of the Minutes of the Meeting of the Erie County Water Authority held on October 27, 2020

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

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 Ms. LaGree and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 2 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH THOMSON REUTERS TO PROVIDE THE ERIE COUNTY WATER AUTHORITY WITH WESTLAW LEGAL RESEARCH SERVICES

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 SERVICE AGREEMENT WITH MATRIX IMAGING SOLUTIONS, LLC TO PROVIDE THE ERIE COUNTY WATER AUTHORITY WITH BILLING, PRINTING, AND MAILING SERVICES, PROJECT NO. 202000201

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 SOLICIT REQUEST FOR PROPOSALS FOR TRANSMISSION MAIN DESIGN PROJECTS 2021-2022, PROJECT NO. 202100008

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 5 - AWARD OF CONTRACT TO GREATER NIAGARA MECHANICAL, INC. FOR HEATING, VENTILATING AND AIR CONDITIONING SERVICE AND PREVENTIVE MAINTENANCE WORK FOR A TWO-YEAR PERIOD FROM NOVEMBER 1, 2020 THROUGH OCTOBER 31, 2022, PROJECT NO. 202000098 - \$340,750.00 (T-21)

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

DISCUSSION

Vice Chairman Carney questioned if Mr. Kowalski vetted Greater Niagara Mechanical, Inc. as he has never heard of them. Mr. Kowalski replied that Greater Mechanical, Inc. is a new vendor to the Authority. He added that references were sent out, and one of the references noted that Greater Niagara Mechanical, Inc. is a competent contractor. However, the other references did not call back. Mr. Kowalski noted that he believes if the contractor can bond the work for the work that they bid on, then we have to typically go with the with the lowest bidder. Vice Chairman Carney thought it could be a red flag if only one reference responded. Mr. Kowalski offered to do more due diligence on the company if the Board prefers to table the item. The current contract with Mollenberg-Betz will continue until a new one is executed. Vice Chairman Carney asked if the

Executive Engineer would provide him with the financials that Greater Niagara Mechanical, Inc. provided to the Authority. It was agreed to table the item until more information on the company is provided to the Board.

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 6 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR CONTRACT NO. DA-010, WATER SYSTEM IMPROVEMENTS IN THE TOWNS OF AMHERST AND CHEEKTOWAGA, PROJECT NO. 202000063

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 7 - APPROVAL OF AMENDMENT NO. 1 WITH CHA CONSULTING, INC. FOR CONTRACT NO. CH-013, TRANSMISSION MAIN, TOWN OF AMHERST, NEW YORK (CONTRACT B2), PROJECT NO. 202000073

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

DISCUSSION

Vice Chairman Carney confirmed with Leonard Kowalski that Authority is not going to be replacing the entire line, but the Authority will be replacing portions of the line. He then asked how much line the Authority is going to replace or not replace. Mr. Kowalski replied that the part of the line that can be replaced is the most difficult part of the line, which goes underneath the I 90. That portion of the work will continue. The consultant proposed several different alignments to National Grid for the other portion of the work. National Grid said they have future work planned in the corridor, and they were not able to accommodate any of those additional alignments that we were looking to do. So, we had to take a step back. Mr. Carney asked if he was correct in saying that Mr. Kowalski's memo states that it being almost the same amount of money, however, it isn't the same amount of money because we're not replacing the same length of pipe. Mr. Kowalski replied that is correct. Mr. Kowalski said that they exhausted a decent amount of money going back and forth with National Grid to try and come up with different alignments. Once we knew that corridor was eliminated from the project, we took a step back and then found another project that we could supplement in place of in place of the work that was taken out of the current project, which is just as important. It was brought up that we have to start making a final decision on this right-of-way away fight with National Grid. We can't have redundancy projects hanging in the balance. Margaret Murphy offered to

put together a hypothetical to help guide the engineering department. A hypothetical of what if in the future a project that we say is critical to our infrastructure, there is refusal on the part of a public utility either because they own the land or they won't somehow accommodate us for our ability to go in and work in the same area that we may share needs. She expressed that she will do it both from that they own the land versus share a common public right-of-way easement. She agrees that the Authority can't be delayed and waiting and negotiating for months. That will cost us time, money, and the completion of a project. She agreed to have something prepared for the Board by the first of the year.

**ITEM 8 - AUTHORIZATION TO GRANT LEAK ALLOWANCE REQUESTS -
\$1,220.51**

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 TARIFF**

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

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



Terrence D. McCracken
Secretary to the Authority

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