

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 21st day of November 2019.

PRESENT: **Jerome D. Schad, Chairman**
Mark S. Carney, Vice Chairman
E. Thomas J. Jones, Jr., Treasurer (via video conference)
Terrence D. McCracken, Secretary to the Authority
Karen A. Prendergast, Chief Financial Officer
Margaret A. Murphy, General Counsel
Russell J. Stoll, Chief Operating Officer
Leonard F. Kowalski, Executive Engineer
Daniel J. NeMoyer, Director of Human Resources
Joyce A. Tomaka, Comptroller
Lavonya C. Lester, Director of Administration
Sabrina A. Figler, Director of Water Quality
Katherine A. Gillette, Associate Attorney
Matthew W. Barrett, Security Officer
Richard J. Deren, Network Specialist

ATTENDEES: **Brian Gould**

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 Mr. Jones and carried to waive the reading of the Minutes of the Meeting held on Thursday, October 31, 2019.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

III. APPROVAL OF MINUTES

Motion by Mr. Carney seconded by Mr. Jones and carried to approve the Minutes of the Meeting held on Thursday, October 31, 2019.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

IV. REPORTS**A) SECRETARY**

1. Proposed 2020 Board Meeting Schedule

Secretary McCracken distributed a proposed calendar of Board meetings for 2020. He noted this is tentative so if there are any conflicts, it can be discussed at a later date. Chairman Schad noted that this is to keep in compliance with the best practices from the ABO.

B) LEGAL

1. Executive Session

Discussion with the Authority's General Counsel relating to proposed or pending litigation pursuant to Public Officers Law § 105(1)(d)

Murphy

The Chair requested that the executive session be deferred until the end of the meeting.

C) FISCAL

1. Purchase Order & Master Purchase Order List 2019-21

Karen Prendergast reported that at the October 17th meeting a resolution was passed authorized her to approve purchase orders in the absence of a meeting. There were no objections to any of the purchase orders from the Board, therefore, they were approved on November 14th. Chairman Schad added that he felt this procedure worked well, and if this situation happens again, we should use the procedure again.

2. October 2019 Investment Report

Karen Prendergast distributed the October 2019 Investment Report along with a brief explanation of the report.

3. Monthly Financial Report – October 2019

Joyce Tomaka distributed the October 2019 Monthly Financial report. This report includes operating revenue, investment income, operating expense and net income.

D) OPERATIONS

1. Material Inventory for Water Service Lines Lead & Copper Rule

Russell Stoll reported there are proposed new USEPA regulations regarding lead and copper service lines found in water systems. This new rule will require a material inventory of water service lines in the water distribution systems. Chairman Schad had a concern that we are making sure we are collecting the information we should for lead and copper lines to meet this new requirement that will be put upon us at some point once the rule is finalized. Mr. Stoll distributed a memo providing a description of the current status of the Authority lead service line inventory procedure. He explained that we do have a system in place. All data that is collected from various sources is entered into the IBM Power System or in the Cityworks information data base line and joined together as a single data base. This data then resides in the Geographic Information System data base as well as the IBM Power System data base. Chairman Schad noted the other concern he had was knowing the magnitude whether it's very small or very large of how much more work we have to do to know what is where when it comes to lead. Is there a way to do a follow-up on this that would give us a picture of the area we serve and where we have complete information, where we have partial information and where we have no information? Mr. Stoll added that the goal would be to have a map that shows everything. He would like to come back with a map or something graphic that would be helpful.

E) HUMAN RESOURCES

1. RFP – Administration of Employee Flexible Spending Accounts Under IRC Section 105(h), Section 125 and Section 132(f)

Daniel NeMoyer distributed a memo relative to the RFP for Administration of Employee Flexible Spending Accounts Under IRC Section 105(h), Section 125 and Section 132(f). Six RFPs were sent out and three responded. He reported that P&A Administrators were considerably cheaper than the others on a monthly per person basis. They also do not have annual fees and minimum monthly that the others do. They have provided good work for us in the past. Mr. NeMoyer would like to negotiate a contract with P&A and come back at a future meeting. This was approved by the Board.

F) AUDIT COMMITTEE

No Report

G) GOVERNANCE COMMITTEE

No Report

H) FINANCE COMMITTEE

No Report

I) ETHICS COMMITTEE

No Report

V. COMMUNICATIONS AND BILLS

C-1 FOIL FROM DOLCE PANEPINTO RE MAPLE & TRANSIT RD. RECEIVED AND FILED AND REFERRED TO LEGAL

C-2 FOIL FROM PM ENVIRONMENTAL RE 4381 WALDEN AVE. RECEIVED AND FILED AND REFERRED TO LEGAL

C-3 FOIL FROM RUPP BAASE PFALZGRAF CUNNINGHAM LLC RE MONCALIAN V ECWA RECEIVED AND FILED AND REFERRED TO LEGAL

C-4 FOIL FROM THOMAS ODJEWSKI RE WATER SHUT OFFS RECEIVED AND FILED AND REFERRED TO LEGAL

C-5 NOTICE OF CLAIM – CAITLIN DIETRICK RECEIVED AND FILED AND REFERRED TO LEGAL

C-6 SUMMONS - NIAGARA MOHAWK POWER CORP. D/B/A NATIONAL GRID V. ECWA (LATE FILING) RECEIVED AND FILED AND REFERRED TO LEGAL

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 Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 2 - FINAL ACCEPTANCE OF PROJECT WITH 716 SITE CONTRACTING, INC. FOR SMALL SERVICES CONTRACT, AREA #2, FEBRUARY 1, 2017 THROUGH JANUARY 31, 2019, PROJECT NO. 201700002, CONTRACT NO. 17-03-01 - \$58,897.98

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 3 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE FURNISHING OF SODIUM HYPOCHLORITE TO THE ERIE COUNTY WATER AUTHORITY FOR USE IN THE BOOSTER STATIONS FOR TWO YEARS FROM FEBRUARY 1, 2020 TO JANUARY 31, 2022, PROJECT NO. 202000008

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 4 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE FURNISHING AND DELIVERING OF LIME SLURRY TO THE ERIE COUNTY WATER AUTHORITY FOR USE IN THE TREATMENT OF WATER TREATMENT PLANT RESIDUALS FOR TWO YEARS FROM FEBRUARY 1, 2020 THROUGH JANUARY 31, 2022, PROJECT NO. 202000006

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 5 - APPROVAL OF CHANGE ORDER NO. 1 OF CMH COMPANY, INC. FOR CONTRACT NO. GP-007, WATER SYSTEM IMPROVEMENTS, VILLAGE OF DEPEW AND TOWN OF WEST SENECA, PROJECT NO. 201800080, IDENTIFIED AS CONTRACT NO. 19-16-04

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

Chairman Schad asked Mr. Kowalski if this Change Order was only extension dates. Mr. Kowalski confirmed it was.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 6 - APPROVAL OF CHANGE ORDER NO. 1 OF E&R GENERAL CONSTRUCTION, INC. FOR CONTRACT NO. WSA-013, WATER SYSTEM IMPROVEMENTS, LARGE VALVE REPLACEMENTS, CITY OF LACKAWANNA AND TOWNS OF ALDEN, AMHERST, CHEEKTOWAGA, HAMBURG AND WEST SENECA, WSA-013, PROJECT NO. 201800081, IDENTIFIED AS CONTRACT NO. 19-04-03 - \$655,267.11

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

Commissioner Jones asked if this approval is relative to the work that was performed on the emergency contract under Main Street, which it was. Commissioner Jones asked Mr. Kowalski to give a brief summary of the circumstances and why it was an emergency contract given the large sum. Mr. Kowalski explained that Contract WSA-13 is a large valve replacement contract. While the contractor was in the process of checking valves to replace one of them, the Authority had a watermain break not far from the Wehrle tank

so that delayed the contractor in changing the one valve out. While we were in the process of making the repair near the blue water tower, they got that repair completed using our emergency repair contractor. As we went to the turn the water back on and start filling the main, the main was taking longer than usual to fill. What had happened at that point was the main underneath Main St. right of the 290 had ruptured. The contractor was already working in that area for another large valve replacement, so we tied in the work as a change order. Commissioner Jones noted that they had to proceed under irregular procedures to get this work done, and that is why we are treating this as a change order along with amendment for the engineering services. Mr. Kowalski noted that it came down to a public safety matter. Chairman Schad reiterated that this was a necessary emergency declaration because that rupture emptied the Wehrle tank.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 7 - APPROVAL OF AMENDMENT NO. 1 OF GREENMAN-PEDERSEN, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES FOR THE DESIGN AND CONSTRUCTION OF WATER SYSTEM IMPROVEMENTS IN THE VILLAGE OF DEPEW AND TOWN OF WEST SENECA, NEW YORK, IDENTIFIED AS CONTRACT NO. GP-007, PROJECT NO. 201800080 - \$17,994.67

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 8 - APPROVAL OF AMENDMENT NO. 1 WITH WM. SCHUTT & ASSOCIATES TO PROVIDE CONSULTING ENGINEERING SERVICES FOR THE DESIGN AND CONSTRUCTION OF THE REPLACEMENT OF LARGE VALVES IN THE TOWNS OF ALDEN, AMHERST, CHEEKTOWAGA, HAMBURG AND WEST SENECA AND CITY OF LACKAWANNA, NEW YORK, IDENTIFIED AS CONTRACT NO. WSA-013, PROJECT NO. 201800081 -\$104,962.00

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

Commissioner Jones asked if this approval is related to the change order approved in Item 6. Mr. Kowalski responded that this is the engineering support we received from the engineering firm to help complete the project.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 9 - AUTHORIZATION TO GRANT LEAK ALLOWANCE REQUESTS - \$4,540.01

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

ITEM 10 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S TARIFF

Motion by Mr. Carney and seconded by Mr. Jones and carried

DISCUSSION

Chairman Schad asked if this is just routine business practices which Ms. Prendergast replied it is.

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

Motion made by Mr. Carney, seconded by Mr. Jones to go into Executive Session for discussion with the Authority's General Counsel relating to proposed or pending litigation pursuant to Public Officers Law § 105(1)(d) at 5:28 p.m. Mr. Schad invited Mr. McCracken, Ms. Murphy, and Ms. Gillette.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

Motion made by Mr. Carney, seconded by Mr. Jones to exit Executive Session at 5:44 p.m.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

IX. ADJOURNMENT

Motion by Mr. Carney seconded by Mr. Jones carried that the meeting adjourn

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

A handwritten signature in black ink, appearing to read "T. D. McCracken". The signature is fluid and cursive, with a long horizontal stroke at the end.

Terrence D. McCracken
Secretary to the Authority

PF