

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 15th day of December 2022.

PRESENT: Jerome D. Schad, Chair
 Peggy A. LaGree, Vice Chair (via videoconference)
 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 Hibt, Director of Human Resources
 Lavonya C. Lester, Director of Administration
 Sabrina A. Figler, Director of Water Quality
 David W. Aubertine, Director of Cybersecurity and Information Technology
 Matthew W. Barrett, Security Officer
 Jessica R. Brown, Cash Manager

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 Ms. LaGree seconded by Ms. Iannello and carried to waive the reading of the Minutes of the Meeting held on Thursday, November 17, 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, November 17, 2022.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

IV. REPORTS

A. SECRETARY

1. Lobby Update

Masiello, Martucci and Associates, the Authority's lobbying firm presented the Board with an outline of their objectives for the coming year. Discussions were then held relative to each objective. Chairman Schad noted that he would like to see the Low-Income Household Water Assistance Program continue and look for support for same.

B. LEGAL

1. Executive Session

Discussion relating to a proposed, pending, or current litigation with the Authority's General Counsel pursuant to Public Officers Law §105(1)(d) and §108(3).

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

C. FISCAL

1. October 2022 Financial Report

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

2. October 2022 Investment Report

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

D. OPERATIONS

1. Recommendation to Award

David Aubertine recommended the RFP for Printer Consolidation and Managed Print Services be awarded to United Business Systems.

2. Projects Advertised for Bidding

Leonard Kowalski informed the Board of the projects that have been advertised since the last Board meeting: MP-090 Sturgeon Point Filtration Piping, Valve, and Underdrain Improvements (General Contract), Small Services Area #1 Contract, February 1, 2023 through January 31, 2025, Small Services Area #2 Contract, February 1, 2023 through January 31, 2025, and Large Services Contract, February 1, 2023 through January 31, 2025.

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 – GONG VS. ECWA - RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP

C-2 FOIL FROM STEVE DENZLER REGARDING REVIEWS – RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP

C-3 FOIL FROM STEVE DENZLER REGARDING TERMINATION – RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP

C-4 FOIL FROM STEVE DENZLER REGARDING EMPLOYEE HANDBOOK - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP

C-5 FOIL FROM STEVE DENZLER REGARDING DATA BREACH - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP

C-6 FOIL FROM DELTEK, INC. REGARDING CONTRACT NO. BL-002 - 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 A FEDERAL NOTICE OF INTEREST WITH THE BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION

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 - LEAD AGENCY STATUS RELATIVE TO STURGEON POINT WASHWATER TANK REPLACEMENT, IDENTIFIED AS CONTRACT NO. MP-088, PROJECT NO. 202100111 AND STURGEON POINT FILTRATION SYSTEM IMPROVEMENTS, IDENTIFIED AS CONTRACT NO. MP-090, PROJECT NO. 202200014

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

DISCUSSION

On the question, Commissioner Schad inquired if there would be a delay in the timeline for these projects. Mr. Kowalski replied that both projects are projected to be completed on time.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 3 - AUTHORIZATION TO EXECUTE A CISCO ENTERPRISE AGREEMENT PROGRAM TERMS AND CONDITIONS FOR END USERS AND A CISCO SUBSCRIPTION SERVICE AGREEMENT REGARDING THE LICENSE FOR THE CISCO PHONE SYSTEM

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

DISCUSSION

On the question, Commissioner Iannello asked what the duration of the contract is. Mr. Aubertine replied that it is a one-year contract.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 4 - AUTHORIZATION TO EXECUTE AN AGREEMENT WITH SYSTEMS PERSONNEL, INC. RELATIVE TO RECRUITING 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 5 - AWARD OF CONTRACT TO PVS NOLWOOD CHEMICALS, INC. FOR THE FURNISHING AND DELIVERING OF FLUOROSILICIC ACID TO THE ERIE COUNTY WATER AUTHORITY FOR USE IN THE TREATMENT OF WATER, PROJECT NO. 202200237 - \$282,150.00

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

DISCUSSION

On the question, Commissioner Iannello inquired as to the price increase from the last contract. Mr. Kowalski answered that he did not have the numbers with him at that time. Commissioner Schad asked why the other bidders were not in compliance. Mr. Kowalski explained that the other bidders could not supply the type of product required.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 6 - APPROVAL OF AMENDMENT NO. 1 TO THE CONTRACT WITH ADVANCED ANALYTICAL SOLUTIONS, LLC. FOR THE FURNISHING AND DELIVERING OF CHEMISTRY AND MICROBIOLOGY PROFICIENCY SAMPLES AND CHEMISTRY STANDARDS, PROJECT NO. 202200002, CONTRACT NO. 22-07-02

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 - APPROVAL OF AMENDMENT NO. 1 TO THE CONTRACT WITH BISON LABORATORIES, INC. FOR THE FURNISHING AND DELIVERING OF SODIUM HYPOCHLORITE TO THE ERIE COUNTY WATER AUTHORITY FOR USE IN THE BOOSTER STATIONS, PROJECT NO. 202200139, CONTRACT NO. 22-25-07

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 PROFESSIONAL SERVICES CONTRACT WITH P&A ADMINISTRATIVE SERVICES, INC. TO PROVIDE AN ADMINISTRATION OF EMPLOYEE ACCOUNTS UNDER INTERNAL REVENUE CODE SECTION 105 (h), SECTION 125 AND SECTION 132 (f), PROJECT NO. 201900229

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. 2 TO THE CONTRACT WITH FREDERICK MACHINE & MANUFACTURING, INC. FOR MACHINING AND FABRICATION SERVICES FOR THE REPAIR OF VARIOUS ERIE COUNTY WATER AUTHORITY EQUIPMENT, PROJECT NO. 202000143

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 10 - 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

Commissioner Schad confirmed that this was not a price increase just that work had been completed in which Mr. Kowalski concurred. Commissioner LaGree asked for clarification regarding the increase. Mr. Kowalski explained that the project is progressing in which there are additional invoices.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 11 - AUTHORIZATION TO AMEND THE WAGE SCHEDULE FOR BI-
WEEKLY EMPLOYEES NOT ELIGIBLE FOR MEMBERSHIP IN A
COLLECTIVE BARGAINING UNIT**

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 - SALARY INCREMENTS – JANUARY 1, 2023

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 - FIRST LONGEVITY INCREMENTS – JANUARY 1, 2023

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 14 - ADDITIONAL LONGEVITY INCREMENTS – JANUARY 1, 2023

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 - JESSICA R. BROWN – APPOINTMENT AS COMPTROLLER

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

DISCUSSION

On the question, Commissioner Schad stated that he was in favor of this appointment.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 16 - NOVEMBER 18, 2022 – COMPENSATION FOR INCLEMENT WEATHER DAY

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 at 10:20 a.m. to discuss matters relating to proposed, pending, or current litigation pursuant to Public Officers Law §105(1)(d) and §108(3). Mr. Schad invited Terrence McCracken, Mark Carney, Russell Stoll, Leonard Kowalski, and Joyce Tomaka.

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 10:48 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 10:49 a.m.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None



Terrence D. McCracken
Secretary to the Authority

ALH