

**MINUTES** of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 22<sup>nd</sup> day of December 2021.

**PRESENT:** **Jerome D. Schad, Chair**  
**Peggy A. LaGree, Vice Chair (via video conference)**  
**Michele M. Iannello, Treasurer**  
**Terrence D. McCracken, Secretary to the Authority**  
**Karen A. Prendergast, Chief Financial Officer**  
**Russell J. Stoll, Chief Operating Officer**  
**Mark S. Carney, General Counsel**  
**Leonard F. Kowalski, Executive Engineer (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)**

**ATTENDEES:**

**I. CALL TO ORDER/ROLL CALL**

The meeting was called to order at 9:35 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 Tuesday, December 7, 2021.

**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 Tuesday, December 7, 2021.

#### **DISCUSSION**

None

#### **VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

### **IV. REPORTS**

#### **A. SECRETARY**

#### **B. LEGAL**

##### **1. Executive Session**

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

This matter will be deferred to the end of the meeting.

#### **C. FISCAL**

##### **1. Non- Represented Employees**

Karen Prendergast reported that it is customary at this time of year for the Board to consider a cost-of-living increase for the non-represented in which increases have been negotiated with the unions. She added that a resolution is on the agenda for consideration of a new wage schedule for non-represented employees which includes a 3% increase for 2022. Chairman Schad asked if this tracks the collective bargaining negotiations. Ms. Prendergast replied that it does.

##### **2. November 2021 Investment Report**

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

##### **3. Monthly Financial Report – November 2021**

Joyce Tomaka distributed the November 2021 Monthly Financial report which includes operating revenue, investment income, operating expense and net income, and briefly reviewed the data.

## D. OPERATIONS

### 1. Contract MP-090 (CCII)

Executive Engineer Kowalski informed the Board that a Request for Proposals for consulting engineering services for the design and construction of improvements to Filters 1 through 10 at the Sturgeon Point Water Treatment Plant was recently issued. The project is a major overhaul of every component associated with the filtration system at Sturgeon Point Water Treatment Plant. The current system has been in service for at least 60 years, and this project should get the Authority through the next 60 years. He explained that the project was originally scheduled to be completed in multiple phases due to the cost, however some of the components that were evaluated under preliminary design were starting to show their age which led to discussions of expediting the overall project schedule. Since the scope changed, a new RFP was issued which was considered a confidential project. RFPs were issued to four (4) consulting firms, and only one firm, Arcadis, submitted a proposal. Michael Wymer conducted a thorough review of the fee, and based on the estimated cost of construction, the fee proposed by Arcadis was deemed reasonable and in line with what the Authority estimated for the project. It was determined that Arcadis suited for this project.

Commissioner LaGree asked as the project is ongoing, if it will affect operations. Mr. Kowalski informed the Board that it was decided that operationally conducting it as one large project, the filters would be taken out of service only once, rehabbing them then putting them back in service. It will be staged over multiple years based on the size of the project and keeping the plants in operation.

Commissioner Iannello asked what the overall cost is. Mr. Kowalski replied that the construction project is approximately \$32 million, and the overall cost of the consulting project is about 3.3 million.

Chairman Schad questioned if the Authority has never had to deal with the 42” inch header supply side before in the 60 years. Executive Engineer Kowalski answered that, yes, that is accurate. Chairman Schad inquired if the Van de Water Plant is configured so the filters cannot be backwashed from both ends. Mr. Kowalski explained that typically most water treatment plants have one single header that handles backwashing the filters. Van de Water is a little bit different as it has pumps that complete that process, but it is one single filter. Mr. Schad then inquired based on the age of Van de Water, is it fair to assume that the Authority does not have a need to do a complete filter change at Van de Water for at least a couple of decades. Mr. Kowalski noted that is currently being evaluated. Mr. Kowalski added that it is a common feature to have water plants designed with a single header supply for filter.

- E. LEGAL**
- F. FISCAL**
- G. OPERATIONS**
- H. HUMAN RESOURCES**
- I. AUDIT COMMITTEE**
- J. GOVERNANCE COMMITTEE**
- K. FINANCE COMMITTEE**
- L. 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 NOC: ARCURI V ECWA - RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**
  
- C-2 NOC: HOFF V ECWA - RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**
  
- C-3 FOIL FROM JAMES HARBISON OF NYCM INSURANCE REGARDING WATER LOSS AT 8183 STAHLEY ROAD - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
  
- C-4 REVISED FOIL FROM JAMES HARBISON OF NYCM INSURANCE REGARDING WATER LOSS AT 8183 STAHLEY ROAD - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
  
- C-5 DANIEL MICHNIK RETIREMENT - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
  
- The Board of Commissioners thanked Mr. Michnik for his service.
  
- C-6 JACK WHITING RETIREMENT - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

The Board of Commissioners thanked Mr. Whiting for his service.

## **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 Ms. LaGree and seconded by Ms. Iannello and carried.

#### **DISCUSSION**

None

#### **VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

### **ITEM 2 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH WOOLPERT, INC. TO PROVIDE PROFESSIONAL SERVICES RELATING TO THE COMPUTERIZED MAINTENANCE MANAGEMENT SYSTEM IMPLEMENTATION OF CITYWORKS SERVER ASSET MANAGEMENT SYSTEM WITHIN THE ERIE COUNTY WATER AUTHORITY'S WATER TREATMENT PLANTS, PUMP STATIONS, WATER STORAGE TANKS AND ASSOCIATED ELECTRICAL EQUIPMENT, IDENTIFIED AS CONTRACT NO. WLP-001, PROJECT NO. 202200009 (CCII)**

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

#### **DISCUSSION**

On the question, Chairman Schad asked if Woolpert is a new vendor and if they are local. Leonard Kowalski answered Woolpert is a new vendor, and they are not local. He noted that most of the platinum vendors for Cityworks are not local.

#### **VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 3 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH GHD CONSULTING SERVICE, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES FOR THE DESIGN AND CONSTRUCTION OF VAN DE WATER DELIVERED WATER TRANSMISSION IMPROVEMENTS FROM COLVIN BOULEVARD/TWIN CITY HIGHWAY TO I-290/I-990 INTERCHANGE, IDENTIFIED AS CONTRACT NO. GHD-011, PROJECT NO. 202200010 (CCII)**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 4 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH ARCADIS OF NEW YORK, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES FOR STURGEON POINT WATER TREATMENT PLANT FILTRATION PIPING, VALVE AND UNDERDRAIN SYSTEM IMPROVEMENTS, IDENTIFIED AS CONTRACT NO. MP-090, PROJECT NO. 202200014 (CCII)**

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 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH U.S. TRAFFIC CONTROL, INC. RELATING TO EMERGENCY TRAFFIC EQUIPMENT CONTROL RENTALS AND RELATED SERVICES, IDENTIFIED AS CONTRACT NO. UST-001, PROJECT NO. 202200008**

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

**DISCUSSION**

Commissioner LaGree noted that after talking to General Counsel, this was determined to be a sole source vendor based on the fact that they were the only vendor that could provide 24/7 services. Leonard Kowalski concurred and added that there is no other local vendor who can provide this type of service for 24 hours a day, seven days a week.

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 6 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH TRANSWAVE COMMUNICATIONS SYSTEMS, INC. TO PROVIDE MICROWAVE RADIO MAINTENANCE SERVICES, IDENTIFIED AS CONTRACT NO. TCS-004, PROJECT NO. 202200015 (CCII)**

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 ENTER INTO A LICENSE AGREEMENT WITH NORFOLK SOUTHERN RAILWAY COMPANY RELATING TO CONTRACT NO. NC-041, TRANSMISSION MAINS IN THE CITY OF LACKAWANNA AND TOWN OF WEST SENECA, NEW YORK, PROJECT NO. 202000072**

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 - AUTHORIZATION TO ENTER INTO A LICENSE AGREEMENT WITH NORFOLK SOUTHERN RAILWAY COMPANY RELATING TO CONTRACT NO. WSA-015, UPGRADES IN THE CITY OF LACKAWANNA AND TOWN OF HAMBURG, NEW YORK, PROJECT NO. 202000058**

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

**DISCUSSION**

On the question, Chairman Schad asked Mr. Carney to confirm that this is a one-time payment. General Counsel Carney confirmed and noted that this is a 20-year with a 20-year option and then renewable thereafter every 20 years with no fee attached.

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 9 - AWARD OF CONTRACT TO SOUTHTOWN SUPPLY COMPANY, INC.  
FOR THE FURNISHING AND DELIVERING OF VARIOUS WOOD  
PRODUCTS TO THE ERIE COUNTY WATER AUTHORITY FROM  
JANUARY 1, 2022 THROUGH DECEMBER 31, 2022, PROJECT NO.  
202100197 - \$37,463.75**

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 - AWARD OF CONTRACTS FOR WATERMAIN MATERIALS PURCHASE  
CONTRACT FOR THE PERIOD OF JANUARY 1, 2022 THROUGH  
DECEMBER 31, 2022, PROJECT NO. 202200001**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 11 - APPROVAL OF A COST NOT TO EXCEED \$73,000 FOR REPAIRS TO  
THE STURGEON POINT RAW WATER PUMP STATION PIPING**

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 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR CONTRACT NO. DA-011, WATER SYSTEM IMPROVEMENTS IN THE TOWNS OF CHEEKTOWAGA AND AMHERST, PROJECT NO. 202100031**

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 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR CONTRACT NO. BL-002, WATER SYSTEM IMPROVEMENTS IN THE TOWN OF AMHERST, PROJECT NO. 202100032**

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 - APPROVAL OF AMENDMENT NO. 1 OF APPLIED SPECIALTIES, INC. 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, PROJECT NO. 202000006**

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 - AUTHORIZATION TO GRANT LEAK ALLOWANCE REQUESTS -  
\$8,181.52**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 16 - AUTHORIZATION TO WRITE-OFF ACCOUNTS RECEIVABLE -  
\$79,958.13**

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

**DISCUSSION**

Commissioner LaGree commented that she believes it is best practice to include this as part of the Authority's year end process every year, rather than doing it every 3 or 4 years. She would like to see this as a future goal.

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 17 - 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 18 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER  
AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2021**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 19 - APPROVAL OF ONE-YEAR LEAVE OF ABSENCE FOR GAVIN KIRKWOOD (CCII)**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 20 – AUTHORIZATION TO ENTER INTO A GRANT AGREEMENT WITH NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION RELATING TO CONTRACT NO. NC-040, 48-INCH TRANSMISSION MAIN PROJECT FROM RAW WATER PUMP STATION TO VAN DE WATER TREATMENT PLANT IN THE TOWN OF TONAWANDA, NEW YORK, IDENTIFIED AS CONTRACT NO. NC-040, PROJECT NO. 201900104**

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

**DISCUSSION**

Chairman Schad thanked everyone who worked on this project as these grants are helpful to the Authority's customer base.

**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 with the Authority's General Counsel matters relating to proposed or pending litigation pursuant to Public Officers Law § 105(1)(d) at 10:01 a.m. Mr. Schad invited Terrence McCracken, Russell Stoll, Karen Prendergast and Mark Carney.

**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 10:37 a.m.

**DISCUSSION**

Chairman Schad noted that a productive discussion was held with General Counsel.

**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 10:37 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