

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 13th day of February 2020.

PRESENT: **Jerome D. Schad, Chairman**
Mark S. Carney, Vice Chairman
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
Jeffrey Schlierf, Acting Manager of Information Technology
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 two Commissioners. Commissioner E. Thomas Jones was absent from the meeting.

II. READING OF MINUTES

Motion by Mr. Carney seconded by Mr. Schad and carried to waive the reading of the Minutes of the Meeting held on Thursday, January 30, 2020.

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

III. APPROVAL OF MINUTES

Motion by Mr. Carney seconded by Mr. Schad and carried to approve the Minutes of the Meeting held on Thursday, January 30, 2020.

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

IV. REPORTS**A) SECRETARY**

Secretary McCracken distributed a memo regarding the Town of Cheektowaga Police Department's request for access to Wehrle Tank for radio transmitting equipment for public safety purposes. He informed the Board that Cricket Wireless terminated their lease in 2017, and therefore, the abandoned equipment and fixtures are now the Authority's property. The Town has a severe problem in the north end of their town relative to radios and the safety of the public as well as their officers. In exchange for the use of the abandoned equipment and fixtures, the Cheektowaga Police Department would agree to fingerprint and conduct background checks on all future potential new ECWA employees. Chairman Schad asked if Legal has looked at this. Ms. Murphy replied that they have outlined some of the terms that they would be interested in, and now they will draft an agreement and send it to the Town for their review and approval. The Police Department will then need to get Town Board approval. Chairman Schad inquired if the Authority has any other transactions where there is an in-kind consideration as opposed to dollar and cents, which we do not. Chairman Schad express his concerns about doing an in-kind consideration. It was agreed that Legal will report back to the Board at a further meeting.

B) LEGAL**1. Executive Session**

Discussion relating to the appointment of a person to the position of Associate Attorney Part-Time 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)

Chairman Schad asked that the Executive session be discussed at the end of the meeting.

2. Drug Take Back Day

Matt Barrett asked permission to participate in the National Prescription Drug Take Back Day on April 25, 2020 and offer personal leave credit to ECWA volunteers. He reminded the Board that the Authority participated in the same Drug Take Back Day on October 26, 2019 and offered personal leave to ECWA volunteers which received positive feedback. The Board agreed to this request.

C) FISCAL**1. December 2019 Investment Report**

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

2. Monthly Financial Report – December 2019

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

E) HUMAN RESOURCES

No Report

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 MITCHELL KOTHLEITNER RE DISCONNECTED SERVICES - RECEIVED AND FILED AND REFERRED TO SECRETARY FOR FOLLOW UP

C-2 NOC GRACE EMERSON V ECWA - RECEIVED AND FILED AND REFERRED TO LEGAL FOR FOLLOW UP

C-3 RESIGNATION LETTER FROM RENEE STEFANIK

DISCUSSION

Chairman Schad thanked Ms. Stefanik for her 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

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 Mr. Schad and carried

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 2 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH BARTON & LONGUIDICE TO PROVIDE CONSULTING ENGINEERING SERVICES FOR CRITICAL INFRASTRUCTURE IMPROVEMENTS IN THE TOWNS OF CLARENCE AND AURORA, NEW YORK (CONTRACT A), IDENTIFIED AS CONTRACT NO. BL-001, PROJECT NO. 202000060

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 3 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH LABELLA ASSOCIATES DPC TO PROVIDE CONSULTING ENGINEERING SERVICES RELATIVE TO UPGRADES IN THE TOWN OF CHEEKTOWAGA AND VILLAGE OF LANCASTER, NEW YORK (CONTRACT C), IDENTIFIED AS CONTRACT NO. LA-001, PROJECT NO. 202000067

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 4 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH WM. SCHUTT & ASSOCIATES TO PROVIDE CONSULTING ENGINEERING SERVICES RELATIVE TO UPGRADES IN THE CITY OF LACKAWANNA AND TOWN OF HAMBURG, NEW YORK (CONTRACT D), IDENTIFIED AS CONTRACT NO. WSA-015, PROJECT NO. 202000058

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 5 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH DIDONATO ASSOCIATES ENGINEERING & ARCHITECTURE, PE, PC TO PROVIDE CONSULTING ENGINEERING SERVICES RELATIVE TO UPGRADES IN THE TOWNS OF AMHERST AND CHEEKTOWAGA, NEW YORK (CONTRACT E), IDENTIFIED AS CONTRACT NO. DA-010, PROJECT NO. 202000063

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 6 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH CLARK PATTERSON LEE TO PROVIDE CONSULTING ENGINEERING SERVICES RELATIVE TO UPGRADES ON FRENCH ROAD IN THE TOWN OF CHEEKTOWAGA, NEW YORK (CONTRACT F), IDENTIFIED AS CONTRACT NO. CPL-007, PROJECT NO. 202000070

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 7 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH GREENMAN-PEDERSEN, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES RELATIVE TO UPGRADES ON GEORGE URBAN BOULEVARD IN THE TOWN OF CHEEKTOWAGA, NEW YORK (CONTRACT G), IDENTIFIED AS CONTRACT NO. GP-009, PROJECT NO. 202000079

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 8 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH ERDMAN ANTHONY & ASSOCIATES, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES RELATIVE TO THE REPLACEMENT OF UNDERSIZED DISTRIBUTION MAINS IN THE TOWNS OF WEST SENECA AND CHEEKTOWAGA AND VILLAGE OF DEPEW, NEW YORK (CONTRACT B), IDENTIFIED AS CONTRACT NO. EA-012, PROJECT NO. 202000065

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 9 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH NUSSBAUMER & CLARKE, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES RELATIVE TO TRANSMISSION MAINS IN THE CITY OF LACKAWANNA AND TOWN OF WEST SENECA, NEW YORK (CONTRACT C), IDENTIFIED AS CONTRACT NO. NC-041, PROJECT NO. 202000072

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 10 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH WM. SCHUTT & ASSOCIATES TO PROVIDE CONSULTING ENGINEERING SERVICES RELATIVE TO TRANSMISSION MAINS IN THE TOWN OF EVANS, NEW YORK (CONTRACT B1), IDENTIFIED AS CONTRACT NO. WSA-016, PROJECT NO. 202000077

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 11 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH ARCADIS TO PROVIDE CONSULTING ENGINEERING SERVICES RELATIVE TO THE 48" TRANSMISSION MAIN, TOWN OF TONAWANDA, NEW YORK (CONTRACT A), IDENTIFIED AS CONTRACT NO. MP-084, PROJECT NO. 202000084

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 12 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH CHA CONSULTING, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES RELATIVE TO THE TRANSMISSION MAIN, TOWN OF AMHERST, NEW YORK (CONTRACT B2), IDENTIFIED AS CONTRACT NO. CH-013, PROJECT NO. 202000073

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 13 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH CLARK PATTERSON LEE TO PROVIDE CONSULTING ENGINEERING SERVICES FOR THE COMPLETION OF A COMPREHENSIVE FACILITIES PLAN, IDENTIFIED AS CONTRACT NO. CPL-006, PROJECT NO. 202000022

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

DISCUSSION

Vice Chairman Carney noted that items 2-13 are professional services contracts all of which allows the Authority to hire various engineering firms to assist in the planning of projects that are upcoming. Mr. Kowalski confirmed that is correct. Mr. Kowalski added that there were between 8-13 bidders on each contract, and the work has been spread among seven or eight different firms. Mr. Kowalski explained that every project went through the RFP process where they were presented a project. The consultants were then selected accordingly. Chairman Schad added that with our strategic plan we have targeted a much heavier lift in terms of accomplishing pipes in the ground to replace infrastructure, and this can't be done if you don't design for it, so this is part of our shift. He also asked if Mr. Kowalski, Mr. Stoll and Ms. Prendergast would put something

together as to what are the outstanding infrastructure contracts, where are we with the design projects, but more importantly than the installation where do they stand in terms of completion of projects. He would like the staff to really monitor and know where we stand with these projects.

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 14 - AUTHORIZATION TO SOLICIT REQUEST FOR PROPOSALS FOR BALL PUMP STATION PHASE 1 REHABILITATION CASTLE HILL PUMP STATION REPLACEMENT, PROJECT NO. 202000046

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

DISCUSSION

Vice Chairman Carney asked Mr. Kowalski if this is the start of a huge project. Mr. Kowalski explained that a capital improvement study at Ball Pump Station was done so this project is the first phase of the study to look at the pumps in the pump station. He is looking to design new pumps to give a lot more operational flexibility. Mr. Carney asked how long it will take to get that up and running. Mr. Kowalski feels the design of the project will take closer to a year to a year and half, and the construction will take close to a year. Vice Chairman Carney questioned if Mr. Kowalski anticipates having to do this at other pump stations, which he replied yes.

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 15 - AUTHORIZATION TO SOLICIT REQUEST FOR PROPOSALS TO PROVIDE CONSULTING ENGINEERING SERVICES FOR STURGEON POINT WATER TREATMENT PLANT PIPING AND VALVE IMPROVEMENTS, PROJECT NO. 202000047

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 16 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH THE MARRANO/MARC EQUITY CORPORATION AND CIMATO BROS. CONSTRUCTION, INC. RELATIVE TO THE ACCEPTANCE OF MAINS, HYDRANTS, AND APPURTENANCES FOR CHANCELLOR LANE/PRINCETON PARK SUBDIVISION, TOWN OF WEST SENECA, NEW YORK, PROJECT NO. 2016000125, EC NO. 6916

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 17 - AWARD OF CONTRACT TO INDUSTRIAL SCIENTIFIC CORPORATION FOR THE ERIE COUNTY WATER AUTHORITY GAS DETECTION EQUIPMENT AND MAINTENANCE PROGRAM, PROJECT NO. 201900173 - \$146,689.80

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

DISCUSSION

Margaret Murphy informed the Board that she is recommending the approval of the resolution, however, there are two certificates of insurance that Legal needs to have and approve before the Chairman can execute the contracts.

Motion by Mr. Carney, seconded by Mr. Schad to amend item 17 so that it will be subject to approval by Legal of all necessary insurance requirements as to be reviewed by the Chair prior to signing.

Chairman Schad calls for a vote on the motion to amend.

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

On the motion as amended,

Motion by Mr. Carney and seconded by Mr. Schad to approve the amended Item No. 17

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 18 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE FURNISHING AND DELIVERING OF ONE PRE-CAST CONCRETE BUILDING FOR CAUSTIC SODA AT THE PINE HILL PUMP STATION, PROJECT NO. 202000013

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 19 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR INDUSTRIAL BLASTING, PAINTING AND ASSOCIATED MAINTENANCE CONTRACT FROM APRIL 1, 2020 TO MARCH 31, 2021, PROJECT NO. 202000005

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

DISCUSSION

Vice Chairman Carney asked if this is just a general contracting. Mr. Kowalski replied that it is for O&M throughout the distribution system.

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 20 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR FENCING AND GUARDRAIL MAINTENANCE, REPLACEMENT AND ALTERATION CONTRACT FROM APRIL 1, 2020 TO MARCH 31, 2021, PROJECT NO. 202000004

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

DISCUSSION

Vice Chairman Carney requested that the Security Officer reviews and approves any all fencing and security.

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 21 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR GENERAL BUILDING MAINTENANCE, REPLACEMENT AND ALTERATION CONTRACT FROM APRIL 1, 2020 TO MARCH 31, 2021, PROJECT NO. 202000003

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 22 - APPROVAL OF CHANGE ORDER NO. 1 OF KANDEY COMPANY, INC. FOR LARGE SERVICES CONTRACT, FEBRUARY 1, 2019 THROUGH JANUARY 31, 2021, PROJECT NO. 201900005, IDENTIFIED AS CONTRACT NO. 19-02-01 - \$1,500,000.00

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

DISCUSSION

Leonard Kowalski explained that this is relative to the emergency work at Ball Pump Station. Kandey Company has been out there for several weeks now, and they are finding issues as they are excavating transmission pipe that are concerning. So, while they are there they are replacing pipes where there are issues with joints.

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 23 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH IRT SOLUTIONS LLC TO USE UTILISPHERE SOFTWARE, PROJECT NO. 200600293

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

DISCUSSION

Mr. Kowalski explained that this is a software program that helps manage all requests that come in from other utilities when someone wants to dig, and then it allows the Authority to respond to them in a timely manner.

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

**ITEM 24 - RATIFICATION OF THE INSTALLATION OF HYDRANTS AND VALVES
AND RETIREMENT OF EXISTING HYDRANTS AND VALVES - VARIOUS
LOCATIONS**

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

ITEM 25 - AUTHORIZATION TO GRANT LEAK ALLOWANCE REQUEST - \$761.00

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

**ITEM 26 - AUTHORIZATION TO GRANT A ONE-TIME COURTESY REVERSAL
OF DELINQUENT CHARGES FOR BGHMC LLC - \$715.83**

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

**ITEM 27 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER
AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2020**

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

**ITEM 28 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER
AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2020**

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

**ITEM 29 - AUTHORIZATION TO AWARD PERSONAL LEAVE TO SIX ECWA
EMPLOYEES PARTICIPATING IN THE NATIONAL PRESCRIPTION
DRUG TAKE BACK DAY**

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

Motion made by Mr. Carney, seconded by Mr. Schad to go into Executive Session for 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) at 10:06 a.m. Mr. Schad invited Mr. McCracken, Ms. Murphy, Mr. NeMoyer, Mr. Stoll and Ms. Prendergast.

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

Motion made by Mr. Carney, seconded by Mr. Schad to exit Executive Session at 10:29 a.m.

DISCUSSION

Chairman Schad noted that a productive discussion was held.

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

IX. ADJOURNMENT

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

A handwritten signature in dark ink, appearing to read 'T. D. McCracken', with a stylized, flowing script.

Terrence D. McCracken
Secretary to the Authority

PF