

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 16th day of February 2023.

PRESENT: Jerome D. Schad, Chair
 Peggy A. LaGree, Vice Chair (via videoconference)
 Michele M. Iannello, Treasurer
 Terrence D. McCracken, Secretary to the Authority
 Joyce A. Tomaka, CFO
 Russell J. Stoll, COO
 Leonard F. Kowalski, Executive Engineer
 Lavonya C. Lester, Director of Administration
 Katherine A. Gillette, Associate Attorney
 Jennifer Hibit, Director of Human Resources
 Sabrina A. Figler, Director of Water Quality
 David W. Aubertine, Director of Cybersecurity and Information Technology
 Matthew W. Barrett, Security Officer
 Jessica R. Brown, Comptroller

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, February 2, 2023.

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, February 2, 2023.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

IV. REPORTS

A. SECRETARY

1. Board Meeting Schedule

Secretary McCracken notified the Board of a request from Ms. Tomaka to reschedule the March 16th meeting to March 23rd. This will give the auditors time to complete the financial statements and present at the March 23rd Board meeting. The Board approved moving the date to March 23, 2023.

B. LEGAL

1. Executive Session

Discussion relating to proposed or pending litigation pursuant to Public Officers Law §105(1)(d) and §108(3).

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

C. FISCAL

1. December 2022 Financial Report

Ms. Tomaka distributed the December 2022 Monthly Financial Report and briefly reviewed the data. Ms. Tomaka also recognized the Finance Department for all the work done to complete year end tasks.

2. December 2022 Investment Report

Ms. Tomaka distributed the December 2022 Investment Report along with a brief explanation of the report.

D. OPERATIONS

1. Commissioners Report – HS-002

Mr. Kowalski updated the Board on the Pipe Loop Study which evaluates the effectiveness of adding an orthophosphate corrosion inhibitor consistent with the Lead and Copper Rule Revisions. A brief discussion was held.

2. Commissioners Report – MP-091

Executive Engineer Kowalski discussed Contract No. MP-091 which consists of the development and implementation of a compliance program for EPA's Lead and Copper Rule Revisions (LCRR) with Arcadis effectively acting as the Program Manager. Mr. Kowalski informed the Board that the plan is to have the first inventory available around October 2023 as a draft version. Board action items were discussed. Secretary McCracken informed the Board that E3 Communications will be at the next meeting to update the Board on their progress for the program.

Mr. Kowalski and Ms. Figler notified the Board that the New York State Department of Health has returned the Authority to a standard monitoring protocol which is monitoring lead and copper every six months instead of the three-year cycle the Authority was previously on. Ms. Figler expanded on the impact this has on the Authority such as getting customers to participate. The Board agreed to pass a resolution at the end of the meeting approving a \$50 bill credit to customers who participate in the lead and copper sampling program.

Chairman Schad would like a follow-up on this matter at either the July 2023 meeting or August 2023.

3. Commissioners Report – BC-003

Mr. Kowalski updated the Board on Contract No. BC-003, the ongoing assessment of the existing 48- and 42-inch transmission mains located between the Sturgeon Point Water Treatment Plant and the Windom Pump Station. A brief discussion was then held.

4. Projects Advertised – Formal Contract

Mr. Kowalski informed the Board that the project "High Voltage, Service, Switchgear Inspection, and Emergency Electrical Work within the Erie County Water Authority's Facilities for a Period of Two Years, from June 1, 2023 through May 31, 2025, Project No. 202300005" has been advertised.

5. Projects Advertised – Short Form Contract

Mr. Kowalski informed the Board that the project “Furnish and Deliver Four Variable Frequency Drives for Raw Water Pumps at Van de Water Water Treatment Plant, Raw Water Pump Station, Project No. 202300006” has been advertised.

6. Final Pay Application

Leonard Kowalski reported to the Board that there has been one final payment processed since the last Board meeting: “Excavated Material Removal and Disposal, April 1, 2020 through March 31, 2022, Project No. 202000018”.

7. RFP Published

Mr. Kowalski noted that there was only one RFP published since the last Board meeting: Water Storage Tank Rehabilitation, Project No. 202200088.

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 - KRAJEWSKI V ECWA- RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP

C-2 FOIL FROM STEVE DENZLER REGARDING TIMESHEET- RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP

C-3 FOIL FROM DELTEK, INC. REGARDING CONTRACT NO. NC-042 - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP

C-4 FOIL FROM SMARTPROCURE REGARDING PURCHASING RECORDS - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP

C-5 FOIL FROM ANGELA CHRISP REGARDING 5252 GREEN VALLEY DRIVE - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP

C-6 FOIL FROM EXCEL ENGINEERING REGARDING 3497 MCKINLEY PARKWAY REDEVELOPMENT - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP

C-7 LETTER FROM SENATOR PATRICK M. GALLIVAN- 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 TWO SEPARATE LICENSE AGREEMENTS WITH NORFOLK SOUTHERN RAILWAY COMPANY RELATING TO CONTRACT NO. GP-010 TRANSMISSION SYSTEM IMPROVEMENTS IN THE TOWNS OF HAMBURG AND WEST SENECA AND CITY OF LACKAWANNA, NEW YORK, PROJECT NO. 202100035

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 - APPROVAL OF CHANGE ORDER NO. 1 TO THE CONTRACT WITH CUMMINGS-WAGNER SIEWERT, LLC RELATING TO CONTRACT NO. MP-090-P03, VALVES AND ACTUATORS PROCUREMENT STURGEON POINT WATER TREATMENT PLANT FILTRATION PIPING, VALVE, AND UNDERDRAIN SYSTEM IMPROVEMENTS, PROJECT NO. 202200014, IDENTIFIED AS CONTRACT NO. 22-42-10 - (\$5,176.00)

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 3 - APPROVAL OF CHANGE ORDER NO. 1 TO THE CONTRACT WITH KOESTER ASSOCIATES, INC. FOR CONTRACT NO. MP-090-P07, RATE OF FLOW CONTROLLERS PROCUREMENT STURGEON POINT WATER TREATMENT PLANT FILTRATION PIPING, VALVE, AND UNDERDRAIN SYSTEMS IMPROVEMENTS, PROJECT NO. 202200014, IDENTIFIED AS CONTRACT NO. 22-40-09 - (\$4,500.00)

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 - APPROVAL OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH ARCADIS OF NEW YORK, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES FOR MISCELLANEOUS ELECTRICAL ENGINEERING SERVICES 2021-2023, IDENTIFIED AS CONTRACT NO. MP-087, PROJECT NO. 202100024

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 - APPROVAL OF AMENDMENT NO. 1 TO THE CONTRACT WITH CARUS LLC FOR THE FURNISHING AND DELIVERING OF POTASSIUM PERMANGANATE TO THE ERIE COUNTY WATER AUTHORITY FOR THE USE IN THE TREATMENT OF WATER FOR ONE YEAR, PROJECT NO. 202200016, CONTRACT NO. 22-13-04

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 6 - AUTHORIZATION FOR RUSSELL STOLL, EXECUTIVE DIRECTOR, LEONARD KOWALSKI, EXECUTIVE ENGINEER, SABRINA FIGLER, DIRECTOR OF WATER QUALITY, MICHAEL QUINN, SENIOR DISTRIBUTION ENGINEER, MICHAEL WYMER, SENIOR PRODUCTION ENGINEER, CLAYTON JOHNSON, PRODUCTION ENGINEER, SCOTT KLUBEK, PUMP MECHANIC CREW CHIEF AND RYAN MCKERNAN, LABORATORY TECHNICIAN (ENVIRONMENTAL CHEMISTRY) TO ATTEND THE 2023 NYSAWWA ANNUAL CONFERENCE (WATER EVENT) IN SARATOGA SPRINGS, NEW YORK

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 FOR THE ERIE COUNTY WATER AUTHORITY TO OFFER A \$50 BILL CREDIT TO CUSTOMERS WHO PARTICIPATE IN A LEAD AND COPPER SAMPLING PROGRAM

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 an Executive Session at 10:27 a.m. to discuss a matter relating to proposed or pending litigation pursuant to Public Officers Law §105(1)(d) and §108(3). Mr. Schad invited Terrence McCracken, Russell Stoll, Joyce Tomaka, Leonard Kowalski and Katherine Gillette.

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 11:06 a.m.

DISCUSSION

Chairman Schad noted that a productive discussion was held, and the Board has given instructions to follow up. The Board asked to be notified if developments arise that requires a special meeting otherwise a report at the next meeting will be needed.

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 11:07 a.m.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None



Terrence D. McCracken
Secretary to the Authority

ALH