

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 18th day of February 2021.

PRESENT: **Jerome D. Schad, Chairman**
Mark S. Carney, Vice Chairman
Peggy A. LaGree, Treasurer (via videoconference)
Terrence D. McCracken, Secretary to the Authority
Margaret A. Murphy, General Counsel (via teleconference)
Karen A. Prendergast, Chief Financial Officer (via teleconference)
Leonard F. Kowalski, Executive Engineer (via teleconference)
Daniel J. NeMoyer, Director of Human Resources (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)
Jeffrey C. Schlierf, Acting Manager of Information Technology (via teleconference)

ATTENDEES:

PLEDGE TO THE FLAG

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 Mr. Carney seconded by Ms. LaGree and carried to read the Minutes of the Meeting held on Thursday, February 4, 2021.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

III. APPROVAL OF MINUTES

Motion by Mr. Carney seconded by Ms. LaGree and carried to approve the Minutes of the Meeting held on Thursday, February 4, 2021.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

IV. REPORTS

A) SECRETARY

1. Board Meeting Schedule

McCracken

The Board and staff discussed potentially canceling the April 1, 2021 Board meeting. It was determined that due to the adoption of the Pandemic Plan, it is necessary to hold a meeting on April 1, 2021 with only that sole item on the agenda.

2. Executive Session

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)

Chairman Schad deferred the executive session to the end of the meeting.

B) LEGAL

No Report

C) FISCAL

1. Actuarial Valuation of Other Post-Employment Benefits (OPEB)

Karen Prendergast gave a brief update on the report submitted by Benefit Plans Administrative Services, Inc. (BPAS) in compliance with Government Accounting Standards Board (GASB) Statement 75 — *Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions* (OPEB).

Ms. Prendergast explained that the Authority is required to account for its commitment to provide health insurance to employees in retirement. Health insurance benefits are provided to retirees meeting the eligibility requirements based on policy or the applicable collective bargaining agreement. Ms. Prendergast remarked that for the year ended December 31, 2020, the Authority's liability was calculated at \$89,032,011, as compared to \$90,082,536 in 2019 – a decrease of \$1,050,525.

2. December 2020 Investment Report

Karen Prendergast distributed the December 2020 Investment Report along with a brief explanation of the report.

3. Monthly Financial Report – December 2020

Joyce Tomaka distributed the December 2020 Monthly Financial report which includes operating revenue, investment income, operating expense and net income, and briefly reviewed the data.

D) OPERATIONS

1. Cooperative Agreement with the City of Lackawanna

Mr. Kowalski informed the Board that the Cooperative agreement with the City of Lackawanna is on the agenda for approval. He reminded the Board that the benefit of the Cooperative agreement is two-fold: the Authority can remove a water pipe from its system that is approximately 118 years old, and the Authority would also save on restoration costs as the project moves forward.

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

(Communications may be limited to items that are provided electronically. Every effort will be made to provide all communications at future meetings.)

C-1 FOIL FROM INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS RE VOLLAND ELECTRIC'S INVOICES - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP

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 Ms. LaGree and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 2 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH DIDONATO ASSOCIATES ENGINEERING & ARCHITECTURE, P.C. TO PROVIDE WATER SYSTEM IMPROVEMENTS IN THE TOWN OF CHEEKTOWAGA, NEW YORK (CONTRACT E), IDENTIFIED AS CONTRACT NO. DA-011, PROJECT NO. 202100031

Motion by Mr. Carney and seconded by Ms. LaGree and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 3 - AUTHORIZATION TO ENTER INTO A 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 Mr. Carney and seconded by Ms. LaGree and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 4 - AUTHORIZATION TO SOLICIT REQUEST FOR PROPOSALS FOR CONSULTING ENGINEERING SERVICES FOR STURGEON POINT WATER TREATMENT PLANT WASHWATER TANK REPLACEMENT, PROJECT NO. 202100020

Motion by Mr. Carney and seconded by Ms. LaGree and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 5 - AWARD OF CONTRACT TO NEW FRONTIER EXCAVATING AND PAVING, INC. FOR WATER SYSTEM IMPROVEMENTS IN THE TOWN OF CHEEKTOWAGA, NEW YORK, IDENTIFIED AS CONTRACT NO. CPL-007, PROJECT NO. 202000070 - \$3,163,360.00

Motion by Mr. Carney and seconded by Ms. LaGree and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 6 - AWARD OF CONTRACT TO E&R GENERAL CONSTRUCTION, INC. FOR WATER SYSTEM IMPROVEMENTS IN THE TOWN OF CHEEKTOWAGA AND VILLAGE OF LANCASTER, NEW YORK, IDENTIFIED AS CONTRACT NO. LA-001, PROJECT NO. 202000067 - \$2,286,961.00

Motion by Mr. Carney and seconded by Ms. LaGree and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 7 - AWARD OF CONTRACT TO NEW FRONTIER EXCAVATING AND PAVING, INC. FOR WATER SYSTEM IMPROVEMENTS IN THE TOWNS OF AMHERST AND CHEEKTOWAGA, NEW YORK, IDENTIFIED AS CONTRACT NO. DA-010, PROJECT NO. 202000063 - \$2,008,652.69

Motion by Mr. Carney and seconded by Ms. LaGree and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 8 - APPROVAL OF AMENDMENT NO. 1 OF RUSSO DEVELOPMENT, INC. FOR SMALL SERVICES CONTRACT AREA NO. 1, FEBRUARY 1, 2021 THROUGH JANUARY 31, 2023, PROJECT NO. 202100001, IDENTIFIED AS CONTRACT NO. 21-09-02

Motion by Mr. Carney and seconded by Ms. LaGree and carried

DISCUSSION

On the question, Chairman Schad established that items 8-10 are all relative to the same issue: the contracts are being amended to deal with insurance coverage, and there is no increase in cost to the Authority.

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 9 - APPROVAL OF AMENDMENT NO. 1 OF RUSSO DEVELOPMENT, INC. FOR SMALL SERVICES CONTRACT AREA NO. 2, FEBRUARY 1, 2021 THROUGH JANUARY 31, 2023, PROJECT NO. 202100002, IDENTIFIED AS CONTRACT NO. 21-10-02

Motion by Mr. Carney and seconded by Ms. LaGree and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 10 - APPROVAL OF AMENDMENT NO. 1 OF KANDEY COMPANY, INC. FOR LARGE SERVICES CONTRACT, FEBRUARY 1, 2021 THROUGH JANUARY 31, 2023, PROJECT NO. 202100003, IDENTIFIED AS CONTRACT NO. 21-08-02

Motion by Mr. Carney and seconded by Ms. LaGree and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 11 - APPROVAL OF AMENDMENT NO. 1 OF JCI JONES CHEMICALS, INC. FOR FURNISHING AND DELIVERING OF LIQUID CHLORINE IN ONE TON CONTAINERS TO THE ERIE COUNTY WATER AUTHORITY FOR THE TREATMENT OF WATER FROM MAY 1, 2019 THROUGH APRIL 30, 2021, PROJECT NO. 201900007, IDENTIFIED AS CONTRACT NO. 19-05-04

Motion by Mr. Carney and seconded by Ms. LaGree and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

**ITEM 12 - AUTHORIZATION TO GRANT LEAK ALLOWANCE REQUESTS -
\$12,211.25**

Motion by Mr. Carney and seconded by Ms. LaGree and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

**ITEM 13 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER
AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2021**

Motion by Mr. Carney and seconded by Ms. LaGree and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

**ITEM 14 - AUTHORIZATION TO ENTER INTO A COOPERATIVE AGREEMENT
WITH THE CITY OF LACKAWANNA IN CONNECTION WITH THE
CENTER STREET RECONSTRUCTION AND IMPROVEMENT PROJECT
IN THE CITY OF LACKAWANNA, NEW YORK, PROJECT NO. 202100019**

Motion by Mr. Carney and seconded by Ms. LaGree and carried

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

Motion made by Mr. Carney, seconded by Ms. LaGree to go into Executive Session to discuss the appointment, employment, promotion demotion, discipline, suspension, dismissal or removal of Authority personnel pursuant to Public Officers Law § 105(1)(f) at 9:58 a.m. Mr. Schad invited Mr. McCracken, Ms. Murphy, and Ms. Prendergast.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

Chairman Schad reported that a productive discussion was held with the appropriate staff. After a lengthy discussion and evaluation, the Board has determined to sever the relationship with a staff member.

Motion by Mr. Carney seconded by Ms. LaGree to authorize General Counsel Margaret Murphy to prepare a termination letter for said employee; the details of which will be left to Ms. Murphy's authority.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

IX. ADJOURNMENT

Motion by Mr. Carney seconded by Ms. LaGree carried that the meeting adjourn at 10:40 a.m.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

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

PF