

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 2nd 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
 Mark S. Carney, General Counsel
 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 (via teleconference)
 Sabrina A. Figler, Director of Water Quality (via teleconference)

ATTENDEES:

PLEDGE TO THE FLAG

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 12:30 p.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, January 19, 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, January 19, 2023.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

IV. REPORTS

A. SECRETARY

B. LEGAL

1. Executive Session

Discussion of a matter made confidential by federal or state law (i.e., the attorney-client and deliberative process privileges) pursuant to Public Officers Law §108(2).

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

C. FISCAL

D. OPERATIONS

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.)

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 - AWARD OF CONTRACTS FOR WATERMAIN MATERIALS PURCHASE CONTRACT, FEBRUARY 1, 2023 THROUGH JANUARY 31, 2024, PROJECT NO. 202300004

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

DISCUSSION

On the question, Chairman Schad asked if the project was a unit-based contract. Mr. Kowalski clarified the bidding process for the contracts.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 2 - AUTHORIZATION TO EXECUTE AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH RAFTELIS FINANCIAL CONSULTANTS, INC. TO PROVIDE FINANCIAL SERVICES RELATING TO COST OF SERVICE ANALYSIS, RATE MODELING AND FINANCIAL FEASIBILITY ANALYSIS, PROJECT NO. 202000129

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

DISCUSSION

On the question, Commissioner LaGree questioned whether Raftelis will be scheduled to give the Board an update on the rate study. Chairman Schad added that we need to receive the update before June. Ms. Tomaka stated that she plans to schedule the meeting once the agreement has been extended. Chairman Schad stated that ECWA's strategic plan needs to be completed before their final report.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 3 - AUTHORIZATION TO ENTER INTO A RIGHT OF ENTRY AGREEMENT WITH NIAGARA MOHAWK POWER CORPORATION FOR THE PURPOSES OF MAINTENANCE ON ERIE COUNTY WATER AUTHORITY'S UNDERGROUND WATER LINE FACILITY, IDENTIFIED AS TAX PARCEL 143.05-3-4, ADJACENT TO 401 ORCHARD PARK ROAD, TOWN OF WEST SENECA, NEW YORK

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

DISCUSSION

On the question, Commissioner LaGree asked if it is a thirty-day easement in which Mr. Carney confirmed that it is a thirty-day easement to fix a leak. Mr. Kowalski stated that it was enough time to complete the work.

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 12:40 p.m. to discuss a matter made confidential by federal or state law (i.e., the attorney-client and deliberative process privileges) pursuant to Public Officers Law §108(2). Mr. Schad invited Terrence McCracken, Mark Carney, Russell Stoll, Joyce Tomaka, Leonard Kowalski, Lavonya Lester, 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 1:10 p.m.

DISCUSSION

Chairman Schad noted that a productive discussion was held with senior staff and counsel, and the Board has given direction to follow up with instructions for our lobbyists. It was decided that a motion and second is needed relative to the matter regarding counsel on a waiver of conflict with Harris Beach.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 4 - AUTHORIZATION TO EXECUTE A WAIVER OF CONFLICT WITH HARRIS BEACH RELATIVE TO THE BETHLEHEM STEEL REDEVELOPMENT/ODELL STREET AND RIDGE ROAD EXTENSIONS WATERLINE PROJECT, PROJECT NO. 2021002226

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

DISCUSSION

None

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 1:12 p.m.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None



Terrence D. McCracken
Secretary to the Authority

ALH