

**MINUTES** of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 23<sup>rd</sup> day of February 2022.

**PRESENT:** Jerome D. Schad, Chair  
 Peggy A. LaGree, Vice Chair (via videoconference)  
 Michele M. Iannello, Treasurer  
 Terrence D. McCracken, Secretary to the Authority  
 Karen A. Prendergast, Chief Financial Officer  
 Russell J. Stoll, Chief Operating Officer (via teleconference)  
 Mark C. Carney, General Counsel  
 Leonard F. Kowalski, Executive Engineer (via teleconference)  
 Joyce A. Tomaka, Comptroller  
 Lavonya C. Lester, Director of Administration (via teleconference)  
 Sabrina A. Figler, Director of Water Quality (via teleconference)  
 Matthew W. Barrett, Security Officer (via teleconference)  
 David W. Aubertine, Director of Cybersecurity and Information Technology

**ATTENDEES:** Victor Martucci

## **PLEDGE TO THE FLAG**

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

The meeting was called to order at 9:37 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 10, 2022.

### **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 10, 2022.

### **IV. REPORTS**

#### **A. SECRETARY**

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

Discussion relating to security pursuant to Public Officers Law § 105(1)(a) (matters which imperil safety if disclosed)

This will be deferred to the end of the meeting.

##### **2. Lobbying Efforts**

Secretary McCracken recapped that the Authority has engaged the services of Masiello Martucci and Associates for lobbying services. Mr. Martucci attended the meeting to brief the Board of Commissioners of their lobbying activities. Mr. Martucci distributed an outline relating to the lobbying activities. Highlights that were discussed are as follows:

- Summary of Capital Sources for Clean Water- NYS Budget
- 2022 NYS Budget Timetable
- NYS 2022 Political Calendar
- Meeting Held to Date
- Procurement Legislation

After Mr. Martucci's briefing, a brief discussion was held with the Commissioners. Chair Schad remarked that if we had a list of limitations, whether it's the single 3-million dollar limit or the limit if we had a bigger project and the disadvantage community issue it would help us if we have to go through the EFC process on getting a drinking water grant over 3-5 million dollars. He noted to Mr. Martucci that we have to find a way to obtain criteria that would allow us to apply for the bigger project. Mr. Schad asked Mr. Martucci to stay in touch with Mr. Carney and report back to the Board in mid-March.

## **B. LEGAL**

### **1. Authority Website Compliance**

General Counsel Carney informed the Board that the Legal department has done a review of the website and suggested compliance with the ABO. The review showed that the Authority's website is in full compliance with ABO requirements. Commissioner LaGree inquired about the personal property transactions on the website and if we report this annually. Ms. Prendergast replied that personal property transactions are reported with PARIS every year. It is also reported separately. Commissioner LaGree asked what the status was of the Procurement Policy. Mr. Carney informed her that is still in Legal and in draft form.

### **2. 2021 FOIL Audit**

General Counsel Carney informed the Board that the legal department performed the 2021 FOIL audit and it was found to be in order.

## **C. FISCAL**

### **1. January 2022 Investment Report**

Karen Prendergast distributed the January 2022 Investment Report along with a brief explanation of the report.

### **2. Monthly Financial Report – January 2022**

Joyce Tomaka distributed the January 2022 Monthly Financial report which includes operating revenue, investment income, operating expense and net income, and briefly reviewed the data

## **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.)

**C-1 FOIL FROM MAX'S HOUSE LLC REGARDING LIST OF LAST SIX MONTHS WATER SHUTOFFS IN ERIE COUNTY AUTHORITY - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

**C-2 NOC – KIM DOANE V. ECWA - RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**

**C-3 NOC – MARK & MARY ELLEN AMARDORI V. ECWA - RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**

**C-4 NOC – JUSTIN ZOYHOFSKI V. ECWA - RECEIVE AND FILE AND REFER TO LEGAL 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 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 EXECUTE A LICENSING AGREEMENT  
BETWEEN THE ERIE COUNTY WATER AUTHORITY AND KANTOLA  
TRAINING SOLUTIONS FOR ANTI-HARASSMENT AND WORKPLACE  
VIOLENCE TRAININGS**

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

**DISCUSSION**

On the question, Ms. LaGree inquired how the training will be handled for the staff that do not work on computers. Mr. Carney replied that Mr. Aubertine has suggested that for all the employees that we have emails for we will email them the program. For those that don't have computers, we will set up mandatory training in the training room.

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 3 - AUTHORIZATION TO ENTER INTO A RIGHT OF ENTRY AGREEMENT  
WITH THE TOWN OF TONAWANDA, NEW YORK RELATING TO  
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 AN AGREEMENT OF AMENDMENT  
WITH NIAGARA MOHAWK POWER CORPORATION RELATING TO  
CONTRACT NO. WSA-015, PROJECT NO. 202000058**

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 FACILITY ENCROACHMENT AGREEMENT WITH CSX TRANSPORTATION, INC. RELATING TO CONTRACT NO. MP-084, 48" TRANSMISSION MAIN, TOWN OF TONAWANDA, NEW YORK, PROJECT NO. 202000084**

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 TO SOLICIT REQUEST FOR PROPOSALS FOR HEALTH SERVICES AND DRUG SCREENING, PROJECT NO. 202200063**

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 ACCEPT THE CONSTRUCTION AND INSTALLATION OF 1,152 LF OF EIGHT (8") INCH C-900 WATERMAIN, THREE (3) HYDRANTS, SIX (6) LINE VALVES AND APPURTENANCES IN QUEENS LANDING SUBDIVISION PHASE 1, TOWN OF WEST SENECA, NEW YORK, EC NO. 6488, PROJECT NO. 201100112**

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 - RESOLUTION GRANTING THE STATE OF NEW YORK AUTHORITY TO PERFORM THE ADJUSTMENT FOR THE OWNER AND AGREEING TO MAINTAIN FACILITIES ADJUSTED VIA STATE-LET CONTRACT IN CONNECTION WITH PIN NO. 5813.67, PROJECT NO. 202100271**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 9 - AWARD OF CONTRACT TO STC CONSTRUCTION, INC. FOR  
CONTRACT NO. GHD-010, SEDIMENTATION BASIN EFFLUENT  
IMPROVEMENTS STURGEON POINT WATER TREATMENT PLANT,  
PROJECT NO. 202100088 - \$874,700.00**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 10 - AWARD OF CONTRACT TO TRIMBLE, INC. FOR THE FURNISHING  
AND INSTALLING OF TRANSIENT PRESSURE DATA LOGGERS,  
PROJECT NO. 202100262 - \$59,393.50**

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 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR CONTRACT NO. MP-  
084, WATER SYSTEM IMPROVEMENTS, TRANSMISSION MAIN  
INSTALLATION, TOWN OF TONAWANDA, NEW YORK, PROJECT NO.  
202000084**

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 THE FURNISHING OF NECESSARY LABOR AND MATERIALS FOR THE PICKUP, HAULING AND DISPOSAL OF ALUMINUM-BASED RESIDUALS, ZEBRA MUSSELS, AND OTHER DEBRIS AND WASTE LOCATED AT DIFFERENT PROPERTIES BELONGING TO THE ERIE COUNTY WATER AUTHORITY FOR ONE YEAR FROM MAY 1, 2022 THROUGH APRIL 30, 2023, PROJECT NO. 202200044**

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 GRANT LEAK ALLOWANCE REQUEST - \$671.16**

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 - AUTHORIZATION TO GRANT A COURTESY REVERSAL OF DELINQUENT CHARGES FOR THE CITY OF TONAWANDA DEPARTMENT OF PUBLIC WORKS - \$687.30**

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 FOR SUSAN RINALDO, CASH MANAGER TO ATTEND THE ANNUAL NYS GFOA CONFERENCE IN ALBANY, 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 16 - AUTHORIZATION FOR RUSSELL STOLL, CHIEF OPERATING OFFICER, LEONARD KOWALSKI, EXECUTIVE ENGINEER, PAUL MIKLOS, WTPO CREW CHIEF, WILLIAM WHEELER, DISTRIBUTION ENGINEER AND MARK JARMUZ, DISTRIBUTION ENGINEER TO ATTEND THE NYAWWA ANNUAL EVENT AND NYSAWWA WUC SPRING MEETING 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 17 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2022**

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 REVISE AND ADOPT THE ERIE COUNTY WATER AUTHORITY'S CODE OF ETHICS & CONFLICTS OF INTEREST POLICY AND ADOPT THE 2021 FINANCIAL DISCLOSURE STATEMENT FORM AND 2021 VENDOR LIST**

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 Executive Session for the discussion relating to security pursuant to Public Officers Law § 105(1)(a) (matters which imperil safety if disclosed) at 10:32 a.m. Mr. Schad invited Terrence McCracken, Karen Prendergast, Leonard Kowalski, Russ Stoll and Dave Aubertine.

**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 11:14 a.m.

**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 11:15 a.m.

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None



Terrence D. McCracken  
Secretary to the Authority

PG