

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 4th 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)
Russell J. Stoll, Chief Operating Officer
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)
Susan Rinaldo, Cash Manager (via teleconference)

ATTENDEES: **Rick Ganci (via videoconference)**

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, January 21, 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, January 21, 2021.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

IV. REPORTS

A) SECRETARY

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) and to discuss the appointment, employment, promotion demotion, discipline, suspension, dismissal or removal of Authority personnel pursuant to Public Officers Law § 105(1)(f).

Secretary McCracken informed the Commissioners that it was discovered that there is a need to have an executive session at this meeting. Chairman Schad deferred the Executive Session until the end of the meeting.

Secretary McCracken recommend to the Board that due to the PARIS filing, the March 18th meeting be moved to March 25th.

Motion by Mr. Carney and seconded by Ms. LaGree to move the meeting normally scheduled for March 18, 2021 to March 25, 2021.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

B) LEGAL

No Report

C) FISCAL

1. WIFIA Financing

Karen Prendergast told the Commissioners in July of 2020, a representative of EPA's WIFIA program emailed Karen informing her that the Authority may be eligible for some low interest financing through the WIFIA program and if the Authority would be interested in submitting a Letter of Interest. Subsequently, Ms. Prendergast, Mr. Stoll and Mr. Kowalski attended an informational meeting with representatives of the WIFIA program to get more detail on what types of projects were eligible for financing. After discussing the matter with executive staff, it was concluded that it would be a good idea to submit the letter of interest to see what happened which was then submitted on October 14, 2020. The Letter outlined \$46,700,000 in capital improvement projects all of which are currently in the design phase and are expected to be in construction in 2022 and 2023. On January 8, 2021, Russell Stoll received an invitation from the EPA to apply for \$24,000,000 in financing to support the projects. Information received with the invitation indicated the rate on the loan would be significantly lower than the Authority could obtain on its own. It is the understanding of the executive staff from the EPA that the hurdle is getting the invitation to apply. Therefore, Ms. Prendergast asked the Authority's financial consultant, Rick Ganci of Capital Markets Advisors, to prepare and present a comparative analysis of accepting WIFIA financing and going to the bond market.

Karen Prendergast then introduced Rick Ganci to the Board. Mr. Ganci then gave an overview of the municipal bond market comparing where the Authority was in 2018 and where the Authority is now. He also discussed the comparison that has been done between the two programs to show what the savings may be with respect to the two programs.

Vice Chairman Carney thanked the Chair for initiating the capital improvement program three years ago and moving it forward. Chairman Schad said he would like to keep pushing that and push more projects to get into the shovel ready stage. He believes this has been a good indicator that this has been a beneficial move.

D) OPERATIONS

1. RFP Newstead Pump Station at Newstead Tank

Executive Engineer Kowalski reported to the Board that an RFP was issued for the construction of a new pump station within the base of the existing Newstead Water Storage Tank. The RFP was issued to four consulting engineers: Barton & Loguidice, LaBella Associates, GHD, and Nussbaumer & Clarke as well as posted to the ECWA Website. Three other firms Dubois & King, Encorus Group, and JM Davidson obtained the RFP through our website. All seven firms chose to submit proposals for this project. The proposals were reviewed and discussed among the engineering and production staff,

and the decision was made to award the project to Nussbaumer & Clarke. He said if there were no objections, the Engineering Department will move forward with negotiations with Nussbaumer & Clarke to develop a Professional Services Contract for the referenced project.

2. Bethlehem Steel Redevelopment Grant Acceptance

Mr. Kowalski reported that the Buffalo and Erie County Industrial Land Development Corporation (the "ILDC") developed a master plan for an advanced manufacturing park that would be located on a portion of the former Bethlehem Steel Property. In order to help fund a project the ILDC pursued a grant from the Department of Commerce Economic Development Administration (the "EDA"). The ILDC requested that the Authority and the Erie County Sewer Department (the "ECSD") be co-applicants since the Authority and the ECSD would be the entities that will own and operate the assets once the project is complete. The ILDC was successful in securing \$2,680,000 in funding from the EDA. There are matching funds associated with the project but those will be coming directly from the ILDC. The authority will have no financial obligation in this project. The final step in this process is to sign the acceptance paperwork and then return it for ILDC for processing.

Vice Chairman Carney remarked that the Memorandum of Understanding indicates that the Authority would be included in this project for approximately 1314 feet of new pipe. However, Commissioner Carney only noticed sewer work in the scope of services under the federal contract. Mr. Kowalski noted that he is unsure of why it focuses strictly on the sewer system. Mr. Carney asked that someone take a look at this.

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 SMARTPROCURE RE PURCHASING RECORDS - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP

C-2 NOC: RONDALE PROCTOR V ECWA - RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP

C-3 NOC: MICHAEL AND BRITTANY O'MALLEY V ECWA- RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP

C-4 NOC: SEAN MALONEY V ECWA- RECEIVE AND FILE AND REFER TO LEGAL 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 - AWARD OF CONTRACT TO POLLOCK RESEARCH AND DESIGN, INC. FOR OVERHEAD CRANE INSPECTION, REPAIR AND MAINTENANCE AT VARIOUS ERIE COUNTY WATER AUTHORITY FACILITIES FROM FEBRUARY 4, 2021 TO FEBRUARY 3, 2023, PROJECT NO. 202000142 - \$104,760.00

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 3 - AWARD OF CONTRACT TO 4TH GENERATION CONSTRUCTION, INC. FOR WATER SYSTEM IMPROVEMENTS, TOWNS OF CHEEKTOWAGA AND WEST SENECA AND VILLAGE OF DEPEW, IDENTIFIED AS CONTRACT NO. EA-012, PROJECT NO. 202000065- \$3,304,930.00

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 4 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE FURNISHING, DELIVERING AND INSTALLING OF ANTHRACITE FILTER MEDIA, PROJECT NO. 202100018

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 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR WATER DISTRIBUTION SYSTEM REPLACEMENTS AND IMPROVEMENTS, MAY 1, 2021 TO APRIL 30, 2023, PROJECT NO. 202100009

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 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE FURNISHING AND REPLACING OF ROOF AND SIDING AT VARIOUS PUMP STATIONS, PROJECT NO. 202000165

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 - AUTHORIZATION TO EXECUTE A FINANCIAL ASSISTANCE AWARD FORM CD-450 RELATIVE TO THE GRANT FOR THE BETHLEHEM STEEL INFRASTRUCTURE REDEVELOPMENT PROJECT IN LACKAWANNA, NEW YORK WITH THE BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION

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 for 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) and to discuss the appointment, employment, promotion demotion, discipline, suspension, dismissal or removal of Authority personnel pursuant to Public Officers Law § 105(1)(f) at 10:05 a.m. Mr. Schad invited Mr. McCracken, Ms. Murphy, Ms. Mattina and Ms. Gillette.

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 10:39 a.m.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

Chairman Schad commented that a productive discussion was held with counsel, and direction has been given to counsel.

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



Terrence D. McCracken
Secretary to the Authority

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