

**MINUTES** of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 25<sup>th</sup> day of May 2023.

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

**ATTENDEES:** Patrick Quinn, Lawley Insurance

## **PLEDGE TO THE FLAG**

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

The meeting was called to order at 9:59 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, April 20, 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, April 20, 2023.

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**IV. READING OF ANNUAL MINUTES**

Motion by Ms. LaGree seconded by Ms. Iannello and carried to waive the reading of the Minutes of the Meeting held on Friday, April 28, 2023.

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**V. APPROVAL OF ANNUAL MINUTES**

Motion by Ms. LaGree seconded by Ms. Iannello and carried to approve the Minutes of the Meeting held on Friday, April 28, 2023.

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**VI. REPORTS**

**A. SECRETARY**

1. Board Meeting Schedule

After discussion, it was decided that the June 15<sup>th</sup> meeting be moved to June 22<sup>nd</sup> and verified that the September 21<sup>st</sup> meeting be moved to September 20<sup>th</sup>. Both changes will be posted on the Authority's website.

2. Public Relations RFP

Secretary McCracken reported that the Public Relations RFP was recently issued to ten firms and posted on the website. The current contract with e3 Communications for Public Relations Services expires in July 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 above executive session has been deferred to the end of the meeting.

## **C. FISCAL**

### **1. GFOA Certificate of Achievement**

Joyce Tomaka announced to the Board that the Finance Department received a Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association (GFOA).

### **2. March 2023 Investment Report**

Joyce Tomaka distributed the March 2023 Investment Report along with a brief explanation of the report.

### **3. March 2023 Financial Report**

Jessica Brown distributed the March 2023 Monthly Financial report and briefly reviewed the data.

### **4. Lawley Insurance**

Patrick Quinn, Lawley Insurance, gave an update on the upcoming insurance renewals. Mr. Quinn discussed the challenges of the different types of insurance and the process of receiving quotes from insurance carriers. A brief discussion was held.

## **D. OPERATIONS**

### **1. Projects Advertised – Formal Contracts**

Mr. Kowalski informed the Board of the projects that have been advertised since the last Board meeting: W-034-C Storage Tank Refurbishing, Colvin Tank, Town of Tonawanda, Contracts MP-090-G, MP-090-E, MP-090-H, and MP-090-P, Sturgeon Point WTP Filtration Improvements, Fencing and Guardrail Maintenance, Replacement, and Alteration, and Sturgeon Point WTP Residuals/Sludge Removal, Disposal, and Relocation.

## 2. RFP Recommendation

Mr. Kowalski reported that an RFP was recently issued for construction phase services for Sheridan Drive Water System Improvements, Town of Amherst. The RFP was sent to three consulting engineering firms and was also posted on the website, which did not result in any other firms submitting proposals. After a review of the proposals, it was determined that CHA Consulting, Inc. is the best firm for the project.

### **E. HUMAN RESOURCES**

### **F. AUDIT COMMITTEE**

### **G. GOVERNANCE COMMITTEE**

### **H. FINANCE COMMITTEE**

### **I. ETHICS COMMITTEE**

## **VII. 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 – GIANCARLO V ECWA – RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**

**C-2 NOTICE OF CLAIM – MIGALSKI V ECWA – RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**

**C-3 NOTICE OF CLAIM – ZIMPFER V ECWA – RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**

**C-4 FOIL FROM ANGELA CHRISP REGARDING 753 SENECA CREEK RD - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

**C-5 FOIL FROM COFORGE REGARDING 95 LAVERACK AVENUE - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

**C-6 FOIL FROM JOHN WISCHERATH REGARDING REQUEST FOR QUOTATIONS - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

**C-7 FOIL FROM MIRANDA JOHNSON REGARDING HILBERT COLLEGE, HAMBURG, NY - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

- C-8 FOIL FROM NY FOUNDATION FOR FAIR CONTRACTING REGARDING GUENTHER PUMP STATION - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-9 FOIL FROM SCHNEIDER ELECTRIC REGARDING INVOICES - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-10 FOIL FROM CS BUSINESS SYSTEMS REGARDING BID RECORDS - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-11 LETTER FROM DEBORAH HEERDT - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

The Commissioners thanked Ms. Heerdt for her service.

- C-12 LETTER FROM T-MOBILE - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

A brief discussion was held.

- C-13 LETTER FROM KAREN BYRNE - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

The Commissioners thanked Ms. Byrne for her service.

## **VIII. 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.

## **IX. UNFINISHED BUSINESS**

## **X. NEW BUSINESS**

- ITEM 1 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH WENDEL WD ARCHITECTURE, ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, PC TO PROVIDE CONSULTING ENGINEERING SERVICES RELATING TO WATER STORAGE TANK REHABILITATIONS, IDENTIFIED AS CONTRACT NO. W-035, PROJECT NO. 202300060**

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

**DISCUSSION**

On the question, Commissioner Iannello questioned the time frame of this project. Mr. Kowalski replied that the project would span two construction seasons.

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 2 - AUTHORIZATION TO ENTER INTO A MANAGED PRINT SERVICE CONTRACT WITH UNITED COPIER & BUSINESS SYSTEMS, INC. FOR SERVICES RELATING TO FURNISHING AND DELIVERING EQUIPMENT, SUPPLIES, AND PARTS FOR PRINTERS, COPIERS, SCANNERS AND PLOTTERS FOR THE PERIOD FROM MAY 1, 2023 THROUGH APRIL 30, 2028, IDENTIFIED AS CONTRACT NO. UBS-001, PROJECT NO. 202300126**

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 - AUTHORIZATION TO ENTER INTO A PERMANENT EASEMENT AGREEMENT WITH 1185 SWEET HOME ROAD (NY) OWNER, LLC RELATING TO CONTRACT NO. W-030, TRANSMISSION MAIN REPLACEMENT, TOWN OF AMHERST, NEW YORK, PROJECT NO. 201800074**

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 - AWARD OF CONTRACT TO METRO CONTRACTING & ENVIRONMENTAL, INC. FOR ASBESTOS CEMENT PIPE (ACP) AND ASBESTOS CONTAINING MATERIALS (ACM) ABATEMENT, REMOVAL, AND DISPOSAL, JUNE 1, 2023 THROUGH MAY 31, 2025, PROJECT NO. 202300008 - \$63,260.00**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 5 - AWARD OF CONTRACT TO CONCRETE APPLIED TECHNOLOGIES CORP. D/B/A CATCO FOR SHERIDAN DRIVE WATER SYSTEM IMPROVEMENTS, TOWN OF AMHERST, PROJECT NO. 202200206 - \$6,915,131.50**

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

**DISCUSSION**

Commissioner LaGree stated that one bid was received and it was over the engineer's estimate. Chairman Schad added that a benefit of completing this project is that the NYSDOT would be absorbing some of the work while performing their own project. Mr. Kowalski agreed with both statements.

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 6 - APPROVAL OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH NUSSBAUMER & CLARKE, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES FOR THE DESIGN AND CONSTRUCTION FOR RAW WATER TRANSMISSION MAIN, VAN DE WATER RAW WATER TO VAN DE WATER TREATMENT PLANT, IDENTIFIED AS CONTRACT NO. NC-040, PROJECT NO. 201900104**

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 - APPROVAL OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH ARCADIS OF NEW YORK, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES FOR STURGEON POINT WATER TREATMENT PLANT WASHWATER TANK REPLACEMENT, IDENTIFIED AS CONTRACT NO. MP-088, PROJECT NO. 202100111**

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 - APPROVAL OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH ARCADIS OF NEW YORK, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES FOR STURGEON POINT WATER TREATMENT PLANT FILTRATION PIPING, VALVE AND UNDERDRAIN, IDENTIFIED AS CONTRACT NO. MP-090, PROJECT NO. 202200014**

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 - APPROVAL OF AMENDMENT NO. 1 TO THE LICENSING AGREEMENT BETWEEN THE ERIE COUNTY WATER AUTHORITY AND KANTOLA TRAINING SOLUTIONS, LLC FOR ANTI-HARASSMENT AND WORKPLACE VIOLENCE TRAININGS**

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 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2023**

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 AMEND THE ERIE COUNTY WATER  
AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2023**

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 - CREATION OF ONE POSITION OF SENIOR CONSTRUCTION  
INSPECTOR**

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 - CREATION OF TWO POSITIONS OF SENIOR ACCOUNT CLERKS**

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 FOR DAVID PATTON, SENIOR PRODUCTION  
ENGINEER, AND MICHAEL WYMER, SENIOR PRODUCTION  
ENGINEER TO ATTEND THE AWWA ACE CONFERENCE IN TORONTO,  
CANADA**

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 - APPRECIATION AND RECOGNITION OF INVOLVED ERIE COUNTY WATER AUTHORITY EMPLOYEES FOR THEIR OUTSTANDING SERVICE DURING THE STORMS OF 2022**

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

**DISCUSSION**

Commissioner Iannello thanked Jennifer Hibit for coordinating an Employee Appreciation Week and thanked the employees for their service during the past storms. Chairman Schad and Commissioner LaGree endorsed the sentiment.

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

Motion made by Ms. LaGree, seconded by Ms. Iannello to go into Executive Session at 10:31 a.m. to discuss a matter relating to proposed or pending litigation to Public Officers Law §105(1)(d) and §108(3) at 10:31 a.m. Mr. Schad invited Terrence McCracken, Russell Stoll, Joyce Tomaka, Leonard Kowalski, and Mark Carney.

**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 10:46 a.m.

**DISCUSSION**

Chairman Schad noted that a productive discussion was held, and the Board has given instructions to resolve the matter and a resolution will be added to the June Board Meeting.

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**XI. ADJOURNMENT**

Motion by Ms. LaGree seconded by Ms. Iannello carried that the meeting adjourned at 10:47 a.m.

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

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

ALH