

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 22nd day of June 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 (via teleconference)
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

ATTENDEES: Vic Martucci, Masiello, Martucci and Associates
Patrick Quinn, Lawley Insurance

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 Ms. LaGree seconded by Ms. Iannello and carried to waive the reading of the Minutes of the Meeting held on Thursday, May 25, 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, May 25, 2023.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

IV. REPORTS**A. SECRETARY**

1. 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)

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

2. Lobbying Update

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 on their lobbying activities. Highlights that were discussed are as follows:

- NYS Budget funds earmarked for ECWA
- Coordination with NYSAWWA
- NYS mandated lead line replacements

A brief discussion was then held with the Commissioners regarding what steps the Authority needs to take to receive the funding. Future meetings were discussed.

B. LEGAL**C. FISCAL**

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).

Motion made by Ms. LaGree, seconded by Ms. Iannello to go into Executive Session at 9:55 a.m. Chairman Schad invited Mr. McCracken, Mr. Carney, Ms. Brown, Mr. Stoll, Ms. Tomaka, and Mr. Quinn.

Motion made by Ms. LaGree, seconded by Ms. Iannello to leave Executive Session at 10:25 a.m.

DISCUSSION

Chairman Schad noted that a productive discussion was held, and there will be resolutions added at the end of the meeting.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

2. Presentation by Lawley

Mr. Quinn, Lawley Insurance, presented an overview of the finalized insurance renewals. Mr. Quinn reported that Lawley recommended staying with all current carriers except for the workers' compensation carrier. A brief discussion was held.

3. April 2023 Investment Report

Jessica Brown distributed the April 2023 Investment Report along with a brief explanation of the report.

4. April 2023 Financial Report

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

D. OPERATIONS

1. Projects Advertised – Formal Contracts

Mr. Kowalski informed the Board of a project advertised since the last Board meeting: On Call Repair Services, Watermains, and Related Facilities September 1, 2023 through August 31, 2025.

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 NOTICE OF CLAIM – SPULECKI V ECWA – RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**
- C-2 FOIL FROM ANNSCOTT CONSULTING SERVICES, LLC REGARDING 7655 GOODRICH ROAD - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-3 FOIL FROM CINCINNATI INSURANCE COMPANY REGARDING HYDRANT FLOW DATA - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-4 FOIL FROM SMARTPROCURE REGARDING PURCHASING RECORDS - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-5 RETIREMENT – RUSSELL STOLL – RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

The Commissioners thanked Mr. Stoll for his service. Chairman Schad also acknowledged Trish Graffeo’s upcoming retirement and thanked her for her many years of dedicated service.

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 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH J. O’CONNELL & ASSOCIATES, INC. TO PROVIDE PROFESSIONAL GRANT WRITING CONSULTING SERVICES, PROJECT NO. 202300135

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

DISCUSSION

On the question, Chairman Schad inquired as to the start date of the services. Secretary McCracken replied that the services would start immediately. Chairman Schad requested a meeting to be scheduled.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 2 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH CHA CONSULTING, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES RELATING TO SHERIDAN DRIVE WATER SYSTEM IMPROVEMENTS IN THE TOWN OF AMHERST, IDENTIFIED AS CONTRACT NO. CH-015, PROJECT NO. 202300130

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 SERVICE AGREEMENT WITH TIME WARNER CABLE NORTHEAST, LLC D/B/A SPECTRUM TO PROVIDE AND INSTALL AN ETHERNET PRIVATE LINE SERVICE (FIBER POINT-TO-POINT) AT VARIOUS ERIE COUNTY WATER AUTHORITY LOCATIONS, PROJECT NO. 201800158

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

DISCUSSION

On the question, Commissioner LaGree asked for clarification if this project was for increased security and the construction fees will be waived if the agreement was approved at this meeting. Mr. Aubertine verified that this was correct. Chairman Schad asked if this agreement would include any other future sites. Mr. Aubertine replied that the agreement is only for the three sites listed and any future sites will need additional agreements.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 4 - AWARD OF CONTRACT TO RUSSO DEVELOPMENT, INC. FOR STURGEON POINT WATER TREATMENT PLANT RESIDUALS/SLUDGE REMOVAL, DISPOSAL, AND RELOCATION, PROJECT NO. 202300097 - \$767,568.00

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

DISCUSSION

On the question, Chairman Schad asked if the Authority only pays if there is sludge removal. Mr. Kowalski said yes. Commissioner Iannello asked when the last time this contract was awarded and if we had sludge removal. Mr. Kowalski stated that we had this contract last year and paid for the removal of 8,000 tons of sludge and estimate that there will be 13,000 tons of sludge this year. Chairman Schad inquired as to why there is an increase. Mr. Kowalski explained that it is the amount of sludge we are able to remove from the lagoons and transfer into the drying beds.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 5 - AWARD OF CONTRACT TO JOHN W. DANFORTH COMPANY FOR
JEROME D. VAN DE WATER WTP FILTER NO. 3 VALVES
REPLACEMENT, PROJECT NO. 202200238 - \$625,700.00**

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 6 - APPROVAL OF AMENDMENT TO A PERMANENT EASEMENT
AGREEMENT WITH NIAGARA MOHAWK POWER CORPORATION
RELATING TO WATER SYSTEM IMPROVEMENTS, TRANSMISSION
MAIN INSTALLATION, TOWN OF TONAWANDA, IDENTIFIED AS
CONTRACT NO. MP-084, 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 7 - APPROVAL OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES CONTRACT WITH ERDMAN ANTHONY & ASSOCIATES, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES RELATIVE TO THE REPLACEMENT OF UNDERSIZED DISTRIBUTION MAINS IN THE TOWNS OF WEST SENECA AND CHEEKTOWAGA AND VILLAGE OF DEPEW, NEW YORK (CONTRACT B), IDENTIFIED AS CONTRACT NO. EA-012, PROJECT NO. 202000065

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

DISCUSSION

On the question, Commissioner LaGree questioned what factors created the 42% increase. Mr. Kowalski responded that some of the factors were that the project was during the pandemic which slowed down progress, multiple inspectors were needed due to the many different streets where normally we would use one inspector, and due to contaminated soil in certain areas the consultant needed to consult with NYSDEC.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello
Noes: None

ITEM 8 - APPROVAL OF AMENDMENT NO. 1 TO THE CONTRACT WITH KEMIRA WATER SOLUTIONS, INC. FOR FURNISHING AND DELIVERING OF POLYALUMINUM CHLORIDE COAGULANT TO THE ERIE COUNTY WATER AUTHORITY FOR THE TREATMENT OF WATER, IDENTIFIED AS CONTRACT NO. 22-21-05, PROJECT NO. 202200031

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

DISCUSSION

Commissioner LaGree asked for verification that we would receive larger loads to receive a lower price. Mr. Kowalski verified that they would and that they have the space to store the chemicals.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello
Noes: None

ITEM 9 - APPROVAL OF AMENDMENT NO. 1 TO THE CONTRACT WITH PVS NOLWOOD CHEMICALS, INC. FOR THE FURNISHING AND DELIVERING OF FLUOROSILICIC ACID TO THE ERIE COUNTY WATER AUTHORITY FOR USE IN THE TREATMENT OF WATER, IDENTIFIED AS CONTRACT NO. 22-47-12, PROJECT NO. 202200237

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 - 2023-2024 INSURANCE COVERAGE AND AUTHORIZATION TO BIND AND PAY INSURANCE INVOICES

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 - 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 13 - SALARY INCREMENTS - JULY 1, 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 14 - APPROVAL OF A LEAVE OF ABSENCE FOR TIMOTHY MEEGAN

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 ADDITIONAL VACATION TIME FOR NEW DISTRIBUTION ENGINEER

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 TO AMEND ITEM 12 OF THE MINUTES OF THE MEETING OF THE ERIE COUNTY WATER AUTHORITY HELD ON MAY 25, 2023 RELATING TO THE CREATION 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 17 - AUTHORIZATION TO AMEND POLICY NO. 41 (VACATION POLICY AND PROCEDURES) OF THE ERIE COUNTY WATER AUTHORITY'S EMPLOYEE POLICIES AND PROCEDURES MANUAL

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 ADOPT A REVISED ERIE COUNTY WATER AUTHORITY COMPREHENSIVE STRATEGIC PLAN

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 19 - AUTHORIZATION TO JOIN MUNICIPAL GROUP SELF-INSURANCE PROGRAM

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 20 - PAYMENT OF WORKERS' COMPENSATION CLAIMS AND LIABILITIES

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 at 10:47 a.m. to discuss a matter 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). Mr. Schad invited Terrence McCracken, Russell Stoll, Joyce Tomaka, Jennifer Hibit, 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 11:09 a.m.

DISCUSSION

Chairman Schad noted that a productive discussion was held, and the Board has given instructions to resolve the matter.

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 11:10 a.m.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None



Terrence D. McCracken
Secretary to the Authority

ALH