

**MINUTES** of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 20<sup>th</sup> day of July 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  
 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:**

**PLEDGE TO THE FLAG**

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

The meeting was called to order at 9:31 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, June 22, 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, June 22, 2023.

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**IV. REPORTS**

**A. SECRETARY**

**B. LEGAL**

1. Executive Session

Discussion relating to pending litigation with the Town of Elma with the Authority's General Counsel 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. 2024 Budget Schedule

Joyce Tomaka distributed a proposed budget schedule. A discussion was held with the Commissioners regarding the proposed schedule and previous budget schedules.

Chairman Schad requested a meeting to be scheduled on August 3, 2023 for the purpose of discussing lead service line replacement strategies.

2. May 2023 Investment Report

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

3. May 2023 Financial Report

Jessica Brown distributed the May 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: WE-005 Water System Improvements, Town of Hamburg, Project No. 202200055.

## 2. Projects Advertised – Formal Contracts

Mr. Kowalski informed the Board of a project advertised since the last Board meeting: Furnish and Deliver Liquid Chlorine in One Ton Containers to the ECWA for Use in the Treatment of Water, Project No. 202300129. Mr. Kowalski discussed the process of coordinating the timeline of the chemical contracts with the budget.

### **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 – SCANLON V ECWA – RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**

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

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

**C-4 FOIL FROM MARGARET DOMBROWSKI REGARDING 20 SAYBROOK DRIVE, LANCASTER - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

**C-5 FOIL FROM MARIBEL SOLA REGARDING WATER SHUTOFFS - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

**C-6 FOIL FROM COFORGE REGARDING 8171 GREENBUSH ROAD, AKRON - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

**C-7 FOIL FROM NEW YORK FOUNDATION FOR FAIR CONTRACTING REGARDING BID INFORMATION - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

**C-8 FOIL FROM PAUL GATES REGARDING METERS - RECEIVE AND FILE AND REFER TO SECRETARY 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 one appeared to speak.

**VII. UNFINISHED BUSINESS**

**VIII. NEW BUSINESS**

**ITEM 1 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH E3 COMMUNICATIONS TO PROVIDE PUBLIC RELATIONS SERVICES, PROJECT NO. 202300148**

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 ENTER INTO A PROFESSIONAL SERVICES "PIGGYBACK" AGREEMENT WITH AUCTIONS INTERNATIONAL, INC. FOR SALE OF ASSETS BY ONLINE AUCTION, PROJECT NO. 202100134**

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

**DISCUSSION**

On the question, Commissioner Iannello inquired as to the amount of revenue the sale of the surplus assets generates. Lavonya Lester replied that the amount varies each quarter. Ms. Lester also discussed the process and schedule involved.

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 3 - AUTHORIZATION TO EXECUTE A SETTLEMENT AGREEMENT AND GENERAL RELEASE IN CONNECTION WITH A ONE-TIME COURTESY REVERSAL OF DELINQUENT CHARGES FOR COUNTRY MEADOWS CONDOMINIUM AND COUNTRY MEADOW VILLAS - \$12,441.56**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad and LaGree

Noes: None; Commissioner Iannello abstained

**ITEM 4 - AUTHORIZATION TO ACCEPT THE CONSTRUCTION AND INSTALLATION OF 731 LINEAR FEET OF EIGHT (8") INCH PVC (C-900), 16 LINEAR FEET OF SIX (6") INCH DIP (CL 53), TWO (2) HYDRANTS, TWO (2) VALVES AND APPURTENANCES IN DEER SPRINGS SUBDIVISION PART 3, PHASE 3, TOWN OF HAMBURG, NEW YORK, EC NO. 7260, PROJECT NO. 202200068**

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 MEMORANDUM OF UNDERSTANDING WITH THE VILLAGE BOARD OF THE VILLAGE OF HAMBURG, PROJECT NO. 201500037**

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

**DISCUSSION**

On the question, Commissioner Iannello inquired if this was the second extension and if there will be more extensions. Mr. Kowalski replied that the project was moving forward and should be completed by 2026. Chairman Schad asked if the town provides the Authority with lead service line information. Mr. Kowalski acknowledged that providing that information was in the Memorandum of Understanding.

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 6 - AUTHORIZATION TO ENTER INTO A RIGHT OF ENTRY AGREEMENT WITH THE TOWN OF TONAWANDA, NEW YORK RELATING TO CONTRACT NO. MP-084, PROJECT NO. 202000084**

Motion by Ms. LaGree and seconded by Ms. Iannello to amend Item 6 to change the expiration date from October 31, 2023 to December 31, 2023.

Chairman Schad calls for a vote on the motion to amend.

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

Motion by Ms. LaGree and seconded by Ms. Iannello to approve Item No. 6 as amended.

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 7 - LEAD SERVICE LINE REPLACEMENT PROJECT FOR THE CITIES OF TONAWANDA AND LACKAWANNA, NEW YORK, TOWN OF AMHERST, NEW YORK, AND VILLAGES OF LANCASTER, DEPEW, BLASDELL AND HAMBURG, NEW YORK PURSUANT TO THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT**

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

**DISCUSSION**

Chairman Schad started a discussion regarding grant applications. Mr. Kowalski gave an overview of the process. Commissioner LaGree inquired if the newly contracted grant writers would be involved with this project. Mr. Kowalski noted the deadline for this grant. Chairman Schad questioned if there will be more projects added to the list. Mr. Kowalski explained that as projects are identified the list will be updated. Commissioner Iannello asked if the grant would cover the cost. Mr. Kowalski replied that the grant usually covers sixty percent of the cost.

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 8 - AUTHORIZATION TO SUBMIT THE NEW YORK STATE WATER INFRASTRUCTURE IMPROVEMENT ACT (WIIA) GRANT PACKAGE TO THE NEW YORK STATE DEPARTMENT OF HEALTH ENVIRONMENTAL FACILITIES CORPORATION RELATIVE TO LEAD SERVICE LINE REPLACEMENTS, IDENTIFIED AS CONTRACT NO. MP-091, PROJECT NO. 202200135**

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 ATLAS PAINTING & SHEETING CORP. FOR CONTRACT NO. W-034-C STORAGE TANK REFURBISHING - COLVIN, PROJECT NO. 202100193 - \$923,000.00**

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 RUSSO DEVELOPMENT, INC. FOR CONTRACT NO. MP-091 CURB BOX REPLACEMENTS, PROJECT NO. 202200135 - \$539,619.00**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 11 - APPROVAL OF AMENDMENT NO. 2 TO THE CONTRACT WITH BISON LABORATORIES, INC. FOR THE FURNISHING AND DELIVERING OF SODIUM HYPOCHLORITE TO THE ERIE COUNTY WATER AUTHORITY FOR USE IN THE BOOSTER STATIONS, PROJECT NO. 202200139, CONTRACT NO. 22-25-07**

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 - RATIFICATION OF THE INSTALLATION OF HYDRANTS AND VALVES AND RETIREMENT OF EXISTING HYDRANTS AND VALVES - VARIOUS LOCATIONS**

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 FOR MICHAEL QUINN, SR. DISTRIBUTION ENGINEER TO ATTEND THE AWWA WATER INFRASTRUCTURE CONFERENCE IN PHILADELPHIA, PA**

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 MICHAEL FAHEY**

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 - APPROVAL OF A LEAVE OF ABSENCE FOR CRAIG MCCANN**

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 - CREATION OF TWO POSITIONS OF INSTRUMENTATION  
ELECTRICAL AND ELECTRONIC TECHNICIAN**

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 - CREATION OF THREE POSITIONS OF SENIOR ENGINEER ASSISTANT**

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 9:55 a.m. to discuss a relating to pending litigation with the Town of Elma with the Authority's General Counsel pursuant to Public Officers Law §105(1)(d) and §108(3). Mr. Schad invited Terrence McCracken, Mark Carney, Joyce Tomaka, Leonard Kowalski, 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 10:16 a.m.

**DISCUSSION**

Chairman Schad noted that a productive discussion was held, and the Board has given instructions to resolve the matter. It was decided that a motion and second is needed relative to the matter regarding waiving attorney-client privilege.

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 18 - AUTHORIZATION TO WAIVE ATTORNEY-CLIENT PRIVILEGE  
RELATING TO A JUNE 6, 2018 ATTORNEY MEMORANDUM FOR THE  
LIMITED AND SPECIFIC USE WITHIN LITIGATION WITH THE TOWN  
OF ELMA**

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 10:17 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