

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 16th day of November 2023.

PRESENT: Jerome D. Schad, Chair
 Peggy A. LaGree, Vice Chair
 Michele M. Iannello, Treasurer (via teleconference)
 Terrence D. McCracken, Secretary to the Authority
 Joyce A. Tomaka, Chief Financial Officer
 Mark S. Carney, General Counsel
 Charles E. Eaton, Chief Operating Officer
 Leonard F. Kowalski, Executive Engineer
 Jennifer Hibit, Director of Human Resources
 Sabrina Figler, Director of Drinking Water Quality
 Jessica R. Brown, Comptroller
 Lavonya C. Lester, Director of Administration
 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 9:34 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, October 19, 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, October 19, 2023.

DISCUSSION

None

VOTE

11/16/2023

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

IV. REPORTS

A. SECRETARY

1. Board Meeting Schedule

Secretary McCracken discussed with the Board rescheduling the December 21, 2023 Board Meeting to December 14, 2023. Secretary McCracken also presented the proposed schedule for the 2024 Board meetings. A discussion was held regarding the date of the Annual meeting and a tentative date was set for Monday, April 29, 2024.

2. Executive Session

McCracken

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.

B. LEGAL

C. FISCAL

1. 2023 Fitch Rating

Joyce Tomaka gave the Board an overview of the Authority's annual surveillance review by Fitch Ratings. Ms. Tomaka reported that the Authority has maintained their AA+ rating for the ensuing year. Commissioner Iannello asked what the lowest rating was received by the Authority. Ms. Tomaka replied that she believes the Authority has been able to maintain the AA+ rating from the beginning.

2. September 2023 Investment Report

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

3. September 2023 Financial Report

Jessica Brown distributed the September 2023 Monthly Financial report and briefly reviewed the data. A discussion was held regarding residential revenue and a decrease in consumption.

D. OPERATIONS

1. RFPs Published

Lavonya Lester gave an overview of an RFP published since the last Board Meeting: Barcoding and Scanning Initiative – Asset Inventory Management, Project No. 202300237. A discussion was held regarding the implementation of an asset inventory management system and the ensuing benefits.

2. Routing Study (CCII)

Leonard Kowalski discussed a recently issued RFP for a routing study to be conducted for a third delivered water transmission main to run parallel to the existing 48-inch and 42-inch transmission mains between Sturgeon Point Water Treatment Plant and Windom Pump Station.

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 – BARTKOWIAK V ECWA – RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP

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

C-3 NOTICE OF CLAIM – NATIONAL FUEL GAS DISTRIBUTION CORPORATION V ECWA – RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP

C-4 NOTICE OF CLAIM – ELTOUM AND ELMALIK V ECWA – RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP

C-5 FOIL FROM EMMANUEL AGU - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP

C-6 FOIL FROM MICHELE PAPAJ - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP

- C-7 FOIL FROM ZACHARY MANNING - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-8 FOIL FROM ADAM BROPHY - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-9 FOIL FROM EVAN LAUFER - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-10 FOIL FROM BANK OF AMERICA - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-11 FOIL FROM CONCRETE CUTTING AND BREAKING - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-12 FOIL FROM NIAGARA COATINGS SERVICES INC. - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-13 FOIL FROM MOLLIE ANKROM - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-14 FOIL FROM ANGEL TORMIS - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-15 FOIL FROM FRANK KOLBMANN - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-16 FOIL FROM MICHAEL GENCO - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-17 LETTER FROM MARGARET MURPHY - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

Chairman Schad thanked and commended Ms. Murphy for her service to the Authority and wished her well. Commissioner LaGree and Commissioner Iannello both seconded the sentiment expressed by the Chairman.

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 EXECUTE A LETTER OF SUPPORT TO REINSTATE THE LOW-INCOME HOUSEHOLD WATER ASSISTANCE PROGRAM AND RECOGNIZE THE PREVIOUS SUCCESS OF THE PROGRAM

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

DISCUSSION

On the question, Commissioner Iannello inquired whether more can be done to encourage the reinstatement of the program. Chairman Schad noted that the Authority's lobbyists are tasked with communicating with the Legislature and the Governor regarding this program on behalf of the Authority.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 2 - AUTHORIZATION TO ENTER INTO A REAL-TIME AUTOMATION CONTROLLER UPGRADE AGREEMENT WITH SEL ENGINEERING SERVICES, INC. TO PROVIDE REAL TIME AUTOMATION CONTROLLER UPGRADES TO THE STURGEON POINT WATER TREATMENT PLANT COMPUTER, IDENTIFIED AS CONTRACT NO. SEL-001, PROJECT NO. 202300197

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

DISCUSSION

On the question, Chairman Schad requested Leonard Kowalski supply more details of the project. Mr. Kowalski gave a brief overview.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 3 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH THOMSON REUTERS TO PROVIDE THE ERIE COUNTY WATER AUTHORITY WITH WESTLAW LEGAL RESEARCH SERVICES

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 A PROFESSIONAL SERVICES AGREEMENT WITH WENDEL WD ARCHITECTURE, ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, PC TO PROVIDE CONSULTING ENGINEERING SERVICES RELATING TO WATER STORAGE TANK INSPECTIONS, IDENTIFIED AS CONTRACT NO. W-036, PROJECT NO. 202300214

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

DISCUSSION

On the question, Commissioner LaGree asked Mr. Kowalski how many tanks the Authority has and if there was an inspection schedule. Mr. Kowalski replied that there are approximately 43 tanks, and that they are inspected every five years on a rotating basis.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 5 - APPROVAL OF AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH CORPORATE SCREENING & INVESTIGATIVE GROUP, LLC TO RENDER PRE-EMPLOYMENT BACKGROUND INVESTIGATION AND NATIONAL COMPREHENSIVE REPORTS, IDENTIFIED AS CONTRACT NO. CSI-001, PROJECT NO. 202200018

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 NO. 3 TO THE CONTRACT WITH FREDERICK MACHINE & MANUFACTURING, INC. FOR MACHINING AND FABRICATION SERVICES FOR THE REPAIR OF VARIOUS ERIE COUNTY WATER AUTHORITY EQUIPMENT, PROJECT NO. 202000143

Chairman Schad noted that Item 6 has been withdrawn from the meeting.

ITEM 7 - APPROVAL OF AMENDMENT NO. 1 TO THE MATERIAL AND SUPPLIES CONTRACT WITH NEPTUNE TECHNOLOGY GROUP, INC. FOR THE FURNISHING AND DELIVERING OF WATER METERS AND APPURTENANCES FROM JANUARY 1, 2021 TO DECEMBER 31, 2023, PROJECT NO. 202000220

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

DISCUSSION

On the question, Chairman Schad questioned if the products were changing with this amendment. Joyce Tomaka responded that the amendment includes the replacement of products currently used as well as upgraded products.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 8 - APPROVAL OF AMENDMENT NO. 1 TO THE SERVICE AGREEMENT WITH MATRIX IMAGING SOLUTIONS, LLC FOR BILLING, PRINTING AND MAILING SERVICES, PROJECT NO. 202000201

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 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2023 – GHD-007 GUENTHER PUMP STATION IMPROVEMENTS - \$350,000

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

DISCUSSION

On the question. Commissioner LaGree asked if the project has been completed. Leonard Kowalski replied that has been completed and that the pump station has been in full use since January.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 10 - AUTHORIZATION TO ADOPT THE ERIE COUNTY WATER
AUTHORITY'S MISSION STATEMENT**

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 WAGE SCHEDULE FOR
EMPLOYEES ELIGIBLE FOR MEMBERSHIP IN A COLLECTIVE
BARGAINING UNIT**

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 TARIFF**

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 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) at 10:01 a.m. Mr. Schad invited Terrence McCracken, Joyce Tomaka, Mark Carney, Chuck Eaton, and Jen Hibit.

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 10:26 a.m.

DISCUSSION

Chairman Schad reported that a productive discussion was held with staff.

VIII. ADJOURNMENT

Motion by Ms. LaGree seconded by Ms. Iannello carried that the meeting adjourned at 10:26 a.m.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None



Terrence D. McCracken
Secretary to the Authority

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