

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 14th day of December 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
Charles E. Eaton, Chief Operating Officer
Leonard F. Kowalski, Executive Engineer
Sabrina A. Figler, Director of Drinking Water Quality
Jessica R. Brown, Comptroller
Lavonya C. Lester, Director of Administration
Katherine A. Gillette, Associate Attorney
David W. Aubertine, Director of Cybersecurity and Information Technology
Matthew W. Barrett, Security Officer

ATTENDEES:
Rick Mancuso, O’Connell & Associates Inc.
Tobias Prey, O’Connell & Associates Inc.
Katie Kerker, O’Connell & Associates Inc.

PLEDGE TO THE FLAG

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 9:41 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, November 16, 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, November 16, 2023.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

IV. REPORTS**A. SECRETARY**

1. J. O’Connell & Associates, Inc.

Secretary McCracken started the conversation by giving the Board a brief overview. Mr. Rick Mancuso began the presentation by discussing the services performed by J. O’Connell & Associates, Inc., which includes Grant Research, Proposal Writing and Project Administration. Ms. Katie Kerker gave a summary of the needs assessment, grants to date and upcoming funding opportunities. Mr. Tobias Prey discussed a NYS HAB training grant he is currently working on for the Authority and reviewed the NYS Consolidated Funding Application (“CFA”) process. Mr. Mancuso noted that NYSERDA and New York Power Authority have recently become their clients.

Commissioner Iannello requested information regarding energy grants for the New Operations Center. Mr. Prey discussed NYSERDA grants relating to carbon neutral projects. Mr. McCracken noted the importance of including J. O’Connell & Associates, Inc. in the design of the New Operations Center. Chairman Schad agreed and would also like to include J. O’Connell & Associates, Inc. in future projects involving intermunicipal agreements.

Commissioner LaGree voiced a concern with J. O’Connell & Associates, Inc. having both the Authority and NYSERDA as clients. Mr. Mancuso and Mr. Prey discussed the process of working with both entities. Chairman Schad agreed with Commissioner LaGree and asked for a follow up regarding what constitutes a conflict of interest for them.

Secretary McCracken referenced interest in the upcoming NYS Archives grant and the need for the Authority to digitize records.

2. 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 withdrawn.

B.

C. LEGAL

1. Executive Session
Discussion relating to proposed or pending litigation pursuant to Public Officers Law §105(1)(d)

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

D. FISCAL

1. October 2023 Investment Report

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

2. October 2023 Financial Report

Jessica Brown distributed the October 2023 Monthly Financial report and briefly reviewed the data. A discussion was held regarding budgeted estimates for chemicals.

E. OPERATIONS

1. Projects Advertised for Bidding – Formal Contracts

Leonard Kowalski reported on two projects advertised for bidding since the last Board Meeting: GZA-001 Sturgeon Point WTP Shoreline Stabilization PN 202200039 and Watermain Materials Purchase Contract PN 202400001.

Chairman Schad inquired as to the timeline for the Sturgeon Point WTP Shoreline Stabilization project. Mr. Kowalski replied that the project is weather dependent and should be able to start next spring.

2. Final Payment Applications

Len Kowalski informed the Board that there was one final payment that was processed by Accounts Payable since the last Board meeting: GHD-010 Sturgeon Point WTP Sedimentation Basin Effluent Improvements PN 202100088

F. HUMAN RESOURCES**G. AUDIT COMMITTEE****H. GOVERNANCE COMMITTEE****I. FINANCE COMMITTEE**

J. 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 – MROZ V ECWA – RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**
- C-2 NOTICE OF CLAIM – RIVERA V ECWA – RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**
- C-3 NOTICE OF CLAIM – OPTUM FOR SISSION V ECWA – RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**
- C-4 NOTICE OF CLAIM – ALLSTATE FOR PROIETTO V ECWA – RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**
- C-5 FOIL FROM COFORGE - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-6 FOIL FROM ADVANCED FIRE AND ELECTRONIC SYSTEMS NY - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-7 FOIL FROM SYDNEE KING - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-8 FOIL FROM MARIA BLASZKOWIAK - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-9 FOIL FROM WILLIAM MATTAR, P.C. - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-10 FOIL FROM SNAP TAX AND LIEN SEARCH - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-11 FOIL FROM CHRIS WALLACE - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-12 FOIL FROM EMMANUEL ENOCK - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-13 FOIL FROM JASON SOBOCINSKI - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-14 FOIL FROM EVAN LAUFER - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

C-15 FOIL FROM FERGUSON WATERWORKS - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP

C-16 FOIL APPEAL FROM SHARON ZAJDEL - 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 CONFIDENTIALITY AND NON-DISCLOSURE LICENSING AGREEMENT WITH THE CITY OF TONAWANDA RELATING TO THE ERIE COUNTY WATER AUTHORITY'S GEOGRAPHICAL INFORMATION SYSTEM (GIS), PROJECT NO. 202300016

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 EXECUTE A LEGAL SERVICES AGREEMENT WITH HARRIS BEACH PLLC TO PROVIDE EXPERT LEGAL SERVICES REGARDING ONGOING 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

ITEM 3 - 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 and carried.

DISCUSSION

On the question, Chairman Schad asked Mr. Kowalski when this section of the project will be completed. Mr. Kowalski stated this section will be finished next year. Discussion continued surrounding the next section of the project. Mr. Kowalski reported that most of the design phase of the next section has been completed and they are waiting for the Town of Tonawanda to execute the property agreements. Chairman Schad suggested contacting the Town of Tonawanda regarding executing the agreements.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 4 - AUTHORIZATION TO ENTER INTO A LEASE AGREEMENT WITH T-MOBILE NORTHEAST LLC FOR LEASING OF SPACE ON THE ERIE COUNTY WATER AUTHORITY'S WEHRLE TANK FOR WIRELESS COMMUNICATIONS

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

DISCUSSION

On the question, Commissioner LaGree asked for verification that the lease protects the Authority's interests. Mr. Carney verified that it did and gave a brief overview. Chairman Schad asked for specific terms that were improved upon in this lease. Mr. Carney stated improvements included security deposit performance bond, security terms and provisions, and increased rent.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 5 - LEAD AGENCY STATUS RELATIVE TO NEW OPERATIONS CENTER, IDENTIFIED AS CONTRACT NO. LA-007, PROJECT NO. 202300077

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

DISCUSSION

On the question, Chairman Schad inquired about the reason to list the FAA as an agency. Mr. Kowalski stated the FAA is an agency due to the communications tower included in the plans.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 6 - AUTHORIZATION TO ACCEPT THE CONSTRUCTION AND INSTALLATION OF APPROXIMATELY 1,910 LINEAR FEET OF EIGHT (8") INCH PVC (C-900), 80 LINEAR FEET OF EIGHT (8") INCH DIP, FIVE (5) HYDRANTS, NINE (9) LINE VALVES AND APPURTENANCES IN CANNON WOODS SUBDIVISION, PHASE 1, TOWN OF CLARENCE, NEW YORK, EC NO. 7262, PROJECT NO. 201900210

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 - RESOLUTION OF THE ERIE COUNTY WATER AUTHORITY AGREEING TO PAY THE ADDITIONAL COSTS AND RESPONSIBILITIES OF THE CONSTRUCTION OF A BETTERMENT ON OR ALONG UNION ROAD/RTE. 277, TOWNS OF CHEEKTOWAGA AND WEST SENECA, NEW YORK, ERIE COUNTY, PIN NO. 5131.41, D265088, PROJECT NO. 202200057

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. 2 OF GHD CONSULTING SERVICES, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES FOR THE ERIE COUNTY WATER AUTHORITY'S GUENTHER PUMP STATION REHABILITATION, PROJECT NO. 201800138, IDENTIFIED AS CONTRACT NO. GHD-007 - \$272,752.00

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

DISCUSSION

On the question, Chairman Schad inquired if the project was completed. Mr. Kowalski replied that the Guenther Pump Station is fully operational.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 9 - 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**

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 - 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

On the question, Commissioner Iannello requested a list of the locations.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 11 - CREATION OF FOUR POSITIONS OF ACCOUNT CLERK

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 - SALARY INCREMENTS - JANUARY 1, 2024

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 - FIRST LONGEVITY INCREMENTS - JANUARY 1, 2024

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 - ADDITIONAL LONGEVITY INCREMENTS - JANUARY 1, 2024

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 TO AMEND THE WAGE SCHEDULE FOR BI-WEEKLY EMPLOYEES NOT 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 16 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S TARIFF

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

DISCUSSION

Chairman thanked Mr. Carney for his efforts to amend the tariff. Mr. Kowalski reported that

he discussed the tariff amendment with the Authority's consultant, Arcadis, and they were in favor of the language of the tariff amendment.

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 proposed or pending litigation pursuant to Public Officers Law §105(1)(D) at 10:26 a.m. Mr. Schad invited Terrence McCracken, Joyce Tomaka, Mark Carney, Chuck Eaton, and Leonard Kowalski.

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 11:00 a.m.

DISCUSSION

Chairman Schad reported that a productive discussion was held with counsel. Chairman noted that one lawsuit has been dismissed and other matters are moving forward properly.

VIII. ADJOURNMENT

Motion by Ms. LaGree seconded by Ms. Iannello carried that the meeting adjourned at 11:01 a.m.

DISCUSSION

None

VOTE

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



Terrence D. McCracken
Secretary to the Authority

ALH

12/14/2023