

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 18th day of January 2024.

PRESENT: Jerome D. Schad, Chair (via videoconference)
 Peggy A. LaGree, Vice Chair (via videoconference)
 Michele M. Iannello, Treasurer (via videoconference)
 Terrence D. McCracken, Secretary to the Authority (via teleconference)
 Joyce A. Tomaka, Chief Financial Officer (via teleconference)
 Mark S. Carney, General Counsel (via teleconference)
 Charles E. Eaton, Chief Operating Officer (via teleconference)
 Jen Hibit, Director of Human Resources (via teleconference)
 Leonard F. Kowalski, Executive Engineer (via teleconference)
 Sabrina A. Figler, Director of Drinking Water Quality (via teleconference)
 Jessica R. Brown, Comptroller (via teleconference)
 Lavonya C. Lester, Director of Administration (via teleconference)
 Katherine A. Gillette, Associate Attorney (via teleconference)
 David W. Aubertine, Director of Cybersecurity & IT (via teleconference)
 Matthew W. Barrett, Security Officer (via teleconference)

ATTENDEES:

PLEDGE TO THE FLAG

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 9:36 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, December 14, 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, December 14, 2023.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

IV. REPORTS

1. SECRETARY

2. 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.

3. FISCAL

1. November 2023 Investment Report

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

Secretary McCracken informed the Board of a late response to Ms. Tomaka regarding New York State reimbursement. Ms. Tomaka discussed the New York State \$20 Million funding agreement the Authority received last year. Ms. Tomaka reported that New York State has approved the first reimbursement package in the amount of \$1.6 Million and funds will be wired to the Authority the following week.

2. November 2023 Financial Report

Jessica Brown distributed the November 2023 Monthly Financial report and briefly reviewed the data. Commissioner LaGree questioned the revenue decreases in the last few years. Ms. Brown stated she would research the data and will report back to the Board. Chairman Schad asked Ms. Brown to review trends in relation to consumption and include in her report next month.

4. OPERATIONS

1. Projects Advertised for Bidding – Short Contracts

Leonard Kowalski reported on one project advertised for bidding since the last Board Meeting: Furnish and Deliver Chemistry and Microbiology Proficiency Samples for One Year, PN 202400005.

2. RFPs Published

Leonard Kowalski informed the Board that there were four RFPs published since the last Board meeting: Distribution System Level of Service Development, PN 202300160; Miscellaneous Electrical Engineering Services, PN 202300268; IBM iSeries Modernization Software, PN 202300229; and IBM iSeries Hardware Upgrade, PN 202400002.

3. Non-Revenue Water Loss

Leonard Kowalski gave an update on the leak detection technology evaluations conducted by the Engineering and Production Departments. Mr. Kowalski discussed two leak detection technologies: “Lift and Shift” – Zonescan Leak Detection and Asterra Satellite Scan.

Commissioner LaGree asked if the two technologies will work together. Mr. Kowalski stated that the Asterra Satellite Scan will give images and show where to look for leaks. The “Lift and Shift” – Zonescan Leak Detection will use acoustic technology to pinpoint the leak. Commissioner Iannello voiced her appreciation for the use of innovative technology. Chairman Schad would like an identified process for leak detection beyond the historic data approach. Following the evaluation of the technologies for three or four months, Chairman Schad requested a report on the findings of each technology and their associated costs. Commissioner LaGree asked if this technology will help quantify the amount of water lost through the leaks. Mr. Kowalski did believe it would help. Chairman Schad noted that this technology did find a large transmission main leak. Mr. Kowalski verified that during the Smart Ball investigation the technology did find a large leak.

Mr. Kowalski also acknowledged the recent winter storms and wanted to commend staff for their work and dedication. Mr. Kowalski thanked Scott Aiple, Electrical Engineer, Instrumentation Technicians, Diesel Mechanics, Pump Mechanics, Control Operators, Chris Marchitte, Water Treatment Plant Operator Crew Chief, and the Water Treatment Plant Operators. The Commissioners expressed their appreciation for the hard work and dedication.

5. HUMAN RESOURCES

6. AUDIT COMMITTEE

7. GOVERNANCE COMMITTEE

8. FINANCE COMMITTEE

9. 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 – DAVIS V ECWA – RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**
- C-2 FOIL FROM JON ANDREESSEN - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-3 FOIL FROM PETER WATSON - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-4 FOIL FROM PREMIUM TITLE - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-5 FOIL FROM ADVANCED ANALYTICAL SOLUTIONS - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-6 FOIL FROM NORTH AMERICA PROCUREMENT COUNCIL - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-7 FOIL FROM NORTH AMERICA PROCUREMENT COUNCIL - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-8 FOIL FROM MATT BELARDI - 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 CONNIE GABAMONTE - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

Commissioner Iannello asked the Legal Department if renters have the right to request the water bills paid by the landlord. General Counsel Mark Carney states that in a FOIL request the renter has the right.

- C-11 LETTER FROM DOUG FORD - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

The Commissioners wished Mr. Ford well and thanked him for his service help throughout the years.

- C-12 LETTER FROM JACQUELINE MATTINA - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

The Commissioners thanked Ms. Mattina for her years of service and guidance and wished her well in her retirement.

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 HAZEN AND SAWYER TO PROVIDE CONSULTING ENGINEERING SERVICES RELATING TO A ROUTING STUDY FOR DELIVERED WATER TRANSMISSION MAIN FROM STURGEON POINT WATER TREATMENT PLANT TO WINDOM PUMP STATION, IDENTIFIED AS CONTRACT NO. HS-004, PROJECT NO. 202400004 (CCII)

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 CISCO ENTERPRISE AGREEMENT PROGRAM TERMS FOR END USERS REGARDING THE LICENSE FOR THE CISCO PHONE SYSTEM

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 - RESOLUTION GRANTING THE STATE OF NEW YORK AUTHORITY TO PERFORM THE ADJUSTMENT FOR THE OWNER AND AGREEING TO MAINTAIN FACILITIES ADJUSTED VIA STATE-LET CONTRACT IN CONNECTION WITH PIN NO. 5111.77, D265151 PROJECT NO. 202200175

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

DISCUSSION

On the question, Commissioner Iannello noted that Item 3 and Item 4 have no expense to the Authority. Commissioner LaGree added that New York State completes the work, and the Authority will inspect the work. Mr. Kowalski stated that the Authority is involved in the design and review process as well as the construction process.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 4 - RESOLUTION GRANTING THE STATE OF NEW YORK AUTHORITY TO PERFORM THE ADJUSTMENT FOR THE OWNER AND AGREEING TO MAINTAIN FACILITIES ADJUSTED VIA STATE-LET CONTRACT IN CONNECTION WITH PIN NO. 5512.53, D265180 PROJECT NO. 202300234

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

DISCUSSION

On the question, Commissioner LaGree inquired about the location of the bridges. Mr. Kowalski responded that they are located in Cheektowaga.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 5 - AWARD OF CONTRACT TO UNION CONCRETE AND CONSTRUCTION CORPORATION FOR STURGEON POINT WATER TREATMENT PLANT SHORELINE STABILIZATION PROJECT, IDENTIFIED AS CONTRACT NO. GZA-001, PROJECT NO. 202200039 - \$1,220,790.00

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 CHANGE ORDER NO. 1 OF O'CONNELL ELECTRIC COMPANY, INC. FOR STURGEON POINT WATER TREATMENT PLANT FILTRATION PIPING, VALVE AND UNDERDRAIN SYSTEM IMPROVEMENTS, IDENTIFIED AS CONTRACT NO. MP-090-E, PROJECT NO. 202200014

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

DISCUSSION

On the question, Commissioner LaGree questioned who established the original amounts. Mr. Kowalski replied that it is a coordinated effort between the consultant and the Authority and believes in this case it was an error during the editing phase.

VOTE

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

ITEM 7 - APPROVAL OF CHANGE ORDER NO. 1 OF AMERICAN CONTRACTING & ENVIRONMENTAL SERVICES, INC. FOR STURGEON POINT WATER TREATMENT PLANT FILTRATION PIPING, VALVE AND UNDERDRAIN SYSTEM IMPROVEMENTS, IDENTIFIED AS CONTRACT NO. MP-090-G, 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 8 - APPROVAL OF AMENDMENT NO. 1 TO CONTRACT WITH ALEXANDER CHEMICAL CORPORATION, INC. FOR THE FURNISHING AND DELIVERING OF CAUSTIC SODA (50% SOLUTION OF SODIUM HYDROXIDE) MEMBRANE GRADE TO THE ERIE COUNTY WATER AUTHORITY FOR USE IN THE TREATMENT OF WATER, IDENTIFIED AS CONTRACT NO. 23-27-10, PROJECT NO. 202300175

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

DISCUSSION

On the question, Commissioner Iannello questioned if the amendment was for a savings of fifty percent. Mr. Kowalski verified that it was.

VOTE

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

ITEM 9 - 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 thanked Charles Eaton for supplying the information requested in the last Board meeting.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 10 - NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) DETERMINATION RELATIVE TO STURGEON POINT WATER TREATMENT PLANT LINE MAINTENANCE BUILDING, IDENTIFIED AS CONTRACT NO. HE-001

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 REVISE AND ADOPT THE ERIE COUNTY WATER AUTHORITY'S PROCUREMENT POLICY

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 ADOPT THE NEWLY REVISED POLICY NO. 97 PARKING REIMBURSEMENT OF THE EMPLOYEE POLICY 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

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 10:11 a.m. Mr. Schad invited Terrence McCracken, Joyce Tomaka, Mark Carney, Chuck Eaton, Jennifer Hibit, Katherine Gillette, 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 11:11 a.m.

DISCUSSION

Chairman Schad reported that a productive discussion was held with Counsel. Chairman noted directions have been given to Counsel.

VIII. ADJOURNMENT

Motion by Ms. LaGree seconded by Ms. Iannello carried that the meeting adjourned at 11:12 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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