

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 February 2024.

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

ATTENDEES:

Rebecca Slabaugh, Arcadis of New York (via videoconference)
 Aman Tuteja, Arcadis of New York (via videoconference)
 Karen Caseloes, Arcadis of New York (via videoconference)

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, January 18, 2024.

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, January 18, 2024.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

IV. 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 Friday, January 26, 2024.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

V. APPROVAL OF MINUTES

Motion by Ms. LaGree seconded by Ms. Iannello and carried to approve the Minutes of the Meeting held on Friday, January 26, 2024.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

VI. REPORTS

A. SECRETARY

B. LEGAL

C. FISCAL

1. December 2023 Investment Report

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

2. December 2023 Financial Report

Joyce Tomaka distributed the December 2023 Monthly Financial report and briefly reviewed the data. A brief discussion surrounding budgeted revenue and expenses ensued.

D. OPERATIONS

1. EPA Lead and Copper Rule Revision Update

Rebecca Slabaugh from Arcadis of New York presented the Board a review and update on the Lead and Copper Rule Revisions Program (“LCRR”). Ms. Slabaugh provided an overview of major changes and the timeline under the Lead and Copper Rule Improvements (“LCRI”), key LCRI requirements, potential impacts of LCRI to the Authority, and identified upcoming key decisions and next steps.

Discussions took place throughout the presentation. The Commissioners requested that a new update be presented to the Board in April.

2. Recommendation to Award

Leonard Kowalski reported that an RFP was recently issued for consulting engineering services for distribution system level of service development. The RFP was sent to four consulting engineering firms and was also posted on the website. After a review of the proposals, it was determined that InfraPLAN is the best firm for the project.

E. HUMAN RESOURCES

F. AUDIT COMMITTEE

G. GOVERNANCE COMMITTEE

H. FINANCE COMMITTEE

I. ETHICS COMMITTEE

VII. 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 – DEMAIORIBUS V ECWA – RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP

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

- C-4 NOTICE OF CLAIM – ROBINSON V ECWA – RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**
- C-5 NOTICE OF CLAIM – ZAJDEL V ECWA – RECEIVE AND FILE AND REFER TO LEGAL 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 REZWAN AHMED - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-8 FOIL FROM COFORGE - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-9 FOIL FROM PAUL FRANCAVILLA - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-10 FOIL FROM SMARTPROCURE - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-11 FOIL FROM NORTH AMERICA PROCUREMENT COUNCIL - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-12 FOIL FROM DONALD BOEHM - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-13 FOIL FROM JEFFERY WATTIE - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-14 FOIL FROM JON ANDREESSEN - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-15 FOIL FROM PAMELA MADURO - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-16 FOIL FROM CS BUSINESS SYSTEMS, INC. - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-17 FOIL FROM BUFFALOBRAVES21 - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-18 FOIL FROM DANIEL TELVOCK - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-19 LETTER FROM RICHARD WALTON - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

C-20 LETTER FROM SUSAN WOOD - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP

The Commissioners thanked Ms. Wood for her years of service and wished her well.

C-21 LETTER FROM LORI MOLINA - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP

The Commissioners thanked Ms. Molina for her years of service and wished her well.

C-22 LETTER FROM JOHN DELMONTE - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP

The Commissioners thanked Mr. Demonte for his service and congratulated him on his new position.

VIII. PUBLIC HEARING

Motion made by Ms. LaGree, seconded by Ms. Iannello to open a Public Hearing for the discussion relating to Videoconferencing Procedures pursuant to Public Officers Law §103(a).

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

Katherine Gillette reported Public Officers Law §103(a) requires a public hearing prior to the Board adopting a resolution permitting Commissioners to appear via videoconferencing under extraordinary circumstances, as defined by the law, including disability, illness, caregiving, or another unexpected event. Chairman Schad noted no one appeared to speak.

Motion made by Ms. LaGree, seconded by Ms. Iannello to close the Public Hearing for the discussion relating to Videoconferencing Procedures pursuant to Public Officers Law §103(a).

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

IX. 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.

X. UNFINISHED BUSINESS

XI. NEW BUSINESS

ITEM 1 - AUTHORIZATION TO ACCEPT THE PROPOSAL OF SIRIUS COMPUTER SOLUTIONS, LLC TO PROVIDE AN IBM ISERIES HARDWARE UPGRADE, PROJECT NO. 202400002

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 ACCEPT THE PROPOSAL OF PROFOUND LOGIC TO PROVIDE AN IBM ISERIES MODERNIZATION SOFTWARE, PROJECT NO. 202400002

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

None

VOTE

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

ITEM 4 - AWARD OF CONTRACTS FOR WATERMAIN MATERIALS PURCHASE CONTRACT, FEBRUARY 1, 2024 THROUGH JANUARY 31, 2025, PROJECT NO. 202400001

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 - AWARD OF CONTRACT TO ADVANCED ANALYTICAL SOLUTIONS, LLC FOR THE FURNISHING AND DELIVERING OF CHEMISTRY AND MICROBIOLOGY PROFICIENCY SAMPLES AND CHEMISTRY STANDARDS FOR ONE YEAR, PROJECT NO. 202400005 - \$45,875.00

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 ATLAS PAINTING AND SHEETING CORP. FOR CONTRACT NO. W-034-C WATER STORAGE TANK REFURBISHING - COLVIN, PROJECT NO. 202100193

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 CHANGE ORDER NO. 1 OF CONCRETE APPLIED TECHNOLOGIES CORP. D/B/A CATCO FOR EXCAVATED MATERIAL REMOVAL & DISPOSAL, IDENTIFIED AS CONTRACT NO. 22-22-05, PROJECT NO. 202200013

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 TO THE CONTRACT WITH FLATIRON CRANE OPERATING COMPANY, LLC D/B/A SIMMERS CRANE DESIGN & SERVICES FOR THE OVERHEAD CRANE INSPECTION, REPAIR & MAINTENANCE, PROJECT NO. 202000142, CONTRACT NO. 21-07-02

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

DISCUSSION

On the question, Commissioner Iannello asked how many inspections are completed and how many cranes are owned by the Authority Mr. Kowalski reported that the larger pump stations and the water treatment plants have overhead cranes and the Authority owns 39 cranes that require inspections annually. Chairman Schad inquired about rate increases. Mr. Kowalski reviewed the rate increases that were included.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 9 - APPROVAL OF AMENDMENT NO. 2 TO THE CONTRACT WITH MODERN DISPOSAL SERVICES, INC. FOR THE FURNISHING OF NECESSARY LABOR AND MATERIALS FOR THE PICKUP, HAULING AND DISPOSAL OF ALUMINUM-BASED RESIDUALS, ZEBRA MUSSELS, AND OTHER DEBRIS AND WASTE LOCATED AT DIFFERENT PROPERTIES BELONGING TO THE ERIE COUNTY WATER AUTHORITY FOR ONE YEAR FROM MAY 1, 2022 THROUGH APRIL 30, 2023, PROJECT NO. 202200044, CONTRACT NO. 22-16-04

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

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 11 - APPROVAL OF ONE-YEAR LEAVE OF ABSENCE FOR JORDAN GRIMALDI (CCII)

Motion by Ms. LaGree and seconded by Mr. Schad and carried.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad and LaGree

Noes: None, Commissioner Iannello abstained

ITEM 12 - AUTHORIZATION FOR SABRINA FIGLER, DIRECTOR OF WATER QUALITY AND JAMES FIGLER, SENIOR ANALYTICAL CHEMIST (WATER QUALITY) TO ATTEND THE AWWA 2024 ANNUAL CONFERENCE AND EXPO (ACE) IN ANAHEIM, CA

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 SABRINA FIGLER, DIRECTOR OF WATER QUALITY TO ATTEND THE AWWA 2024 WATER MATTERS! FLY-IN IN WASHINGTON, DC

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

DISCUSSION

On the question, Chairman Schad thanked Ms. Figler for representing the Authority at this very

important lobbying event and suggested the engineering department try to attend next year. Ms. Figler expressed her gratitude for being invited to participate and discussed the topics that were included in the event. Commissioner Iannello requested Ms. Figler report to the Board about her experience.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 14 - AUTHORIZATION FOR LEONARD KOWALSKI, EXECUTIVE ENGINEER, MICHAEL WYMER, SENIOR PRODUCTION ENGINEER, DAVID PATTON, SENIOR PRODUCTION ENGINEER, MICHAEL QUINN, SENIOR DISTRIBUTION ENGINEER, MARK JARMUZ, DISTRIBUTION ENGINEER, AND JO FRONCZAK, LABORATORY TECHNICIAN (ENVIRONMENTAL MICROBIOLOGY) TO ATTEND THE NYSAWWA ANNUAL WATER EVENT IN SARATOGA SPRINGS, NY

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 ADOPT THE ERIE COUNTY WATER AUTHORITY'S 2023 FINANCIAL DISCLOSURE STATEMENT FORM AND 2023 VENDOR LIST

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 REVISE AND ADOPT THE ERIE COUNTY WATER AUTHORITY'S CODE OF ETHICS & CONFLICTS OF INTEREST 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 17 - AUTHORIZATION TO DEEM THIRTY-FIVE (35) VENDORS AS
STANDARDIZED SINGLE SOURCE VENDORS**

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

DISCUSSION

Chairman Schad noted that an additional vendor, Koester Associates, Inc., be deemed a Standardized Single Source Vendor. Ms. Lester reported that the local distributor for Watson Marlow's chemical feed pumps is Koester Associates, Inc.

Motion by Ms. LaGree and seconded by Ms. Iannello to amend Item No. 17 to include Koester Associates, Inc. as a Standardized Single Source Vendor.

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

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

On the motion as amended,

Motion by Ms. LaGree and seconded by Ms. Iannello to approve the amended Item No. 17.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 18 - AUTHORIZATION FOR BOARD MEMBERS TO APPEAR AND
PARTICIPATE IN BOARD MEETINGS BY VIDEOCONFERENCE UNDER
EXTRAORDINARY CIRCUMSTANCES**

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

VIII. ADJOURNMENT

Motion by Ms. LaGree seconded by Ms. Iannello carried that the meeting adjourned at 12:04 p.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