

**MINUTES** of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 10<sup>th</sup> day of March 2022.

**PRESENT:** Jerome D. Schad, Chair (via videoconference)  
 Peggy A. LaGree, Vice Chair  
 Michele M. Iannello, Treasurer  
 Terrence D. McCracken, Secretary to the Authority  
 Karen A. Prendergast, Chief Financial Officer  
 Russell J. Stoll, Chief Operating Officer  
 Katherine Gillette, Associate Attorney  
 Leonard F. Kowalski, Executive Engineer (via teleconference)  
 Joyce A. Tomaka, Comptroller (via teleconference)  
 Daniel J. NeMoyer, Director of Human Resources (via teleconference)  
 Lavonya C. Lester, Director of Administration (via teleconference)  
 Sabrina A. Figler, Director of Water Quality (via teleconference)  
 Matthew W. Barrett, Security Officer (via teleconference)  
 David W. Aubertine, Director of Cybersecurity and Information Technology (via teleconference)

**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 Wednesday, February 23, 2022.

**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 Wednesday, February 23, 2022.

### **IV. REPORTS**

#### **A. SECRETARY**

#### **B. LEGAL**

#### **C. FISCAL**

#### **D. OPERATIONS**

##### **1. Approval of Credit Incentive Recruitment Program**

Sabrina Figler informed the Board that the Authority is currently following the Revised Lead & Copper Rule (the “Rule”) established in December 2021 by the Environmental Protection Agency (the “EPA”). The Rule requires the Authority to perform lead and copper sampling every three years as 2022 being a sampling year. Ms. Figler noted that the EPA is strongly recommending that the Authority increase the number of access sites to at least 150 testing sites. She recommended to the Board that in order to raise the number of customers who participate in the Sampling Program, the Authority offer a \$25 bill credit to customers who partake in the Sampling Program. Commissioner Iannello raised the question if \$25 was enough for the participants.

Commissioner LaGree questioned if the target mailing of 500 people would be sufficient. Ms. Figler replied that a separate letter will be sent to past participants, hoping to get their interests and gain them again. She remarked that the plan is to send out another wave of 500 if there is not a decent response from the first mailing. Ms. LaGree also asked if IT has completed what they need to, and Ms. Figler replied yes.

Chairman Schad inquired, relating to the group of 500, if Director of Water Quality Figler has reason to believe they would meet the test criteria in terms of service. She noted that Walter Kline did a query which helped in targeting the residences. Homes that were built in 1930 are being targeted along with targeting certain towns and villages where the probability is higher that there will be lead service lines.

## 2. RFP – EPA Lead and Copper Rule Revisions Program Management

Leonard Kowalski requested permission to issue a Request for Proposals for consulting engineering services for the development and implementation of a compliance program for the Lead and Copper Rule Revisions (LCRR) with the Consultant acting as the Program Manager. The Program Manager will take on the administrative role of coordinating the Authority's response to the LCRR.

### **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 NOC – ALICIA MAYMI V. ECWA - RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**

**C-2 NOC – JA'RELL PATTON V. ECWA - RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**

**C-3 NOC – KANDIS PATTON V. ECWA - RECEIVE AND FILE AND REFER TO LEGAL 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 member of the public requested the opportunity to speak.

## **VII. UNFINISHED BUSINESS**

**VIII. NEW BUSINESS**

**ITEM 1 - MASTER PURCHASE ORDERS, RELEASES FROM MASTER PURCHASE ORDERS, PURCHASE ORDERS, AND AMENDMENTS OF SAME**

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 - FINAL ACCEPTANCE OF PROJECT WITH CMH COMPANY, INC. RELATING TO CONTRACT NO. CPL-005, WATER SYSTEM IMPROVEMENTS IN THE VILLAGE OF SLOAN, NEW YORK, PROJECT NO. 201900072, CONTRACT NO. 20-13-04 - \$141,912.20**

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 - FINAL ACCEPTANCE OF PROJECT WITH DN TANKS, INC. RELATING TO CONTRACT NO. W-031, BALL NORTH TANK REPLACEMENT, PROJECT NO. 201800139, CONTRACT NO. 19-19-10 - \$305,901.10**

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 AN EASEMENT AGREEMENT WITH ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY RELATING TO CONTRACT NO. WSA-015, WATER SYSTEM IMPROVEMENTS IN THE TOWN OF HAMBURG AND CITY OF LACKAWANNA, NEW YORK, PROJECT NO. 202000058**

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 EXECUTE AN ENGAGEMENT LETTER WITH BARCLAY DAMON, LLP FOR EXPERT LEGAL PROFESSIONAL SERVICES ON AN AS NEEDED BASIS**

**DISCUSSION**

Secretary McCracken noted that the current resolution authorizes the Chairman to execute the Engagement Letter on behalf of the Authority. However, the request is to authorize General Counsel to execute the Engagement Letter and not the Chairman. Therefore, this resolution must be amended to reflect same.

Motion by Ms. LaGree and seconded by Ms. Iannello to amend Item 5 to reflect that General Counsel has the authority to sign the Engagement Letter on behalf of the Authority.

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 seconded by Ms. Iannello to approve the amended Item No. 5.

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 6 - AUTHORIZATION TO SOLICIT REQUEST FOR PROPOSALS RELATING TO CONSULTING ENGINEERING SERVICES FOR EPA LEAD AND COPPER RULE REVISIONS PROGRAM MANAGEMENT, PROJECT NO. 202200023**

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 - AUTHORIZATION TO ACCEPT THE CONSTRUCTION AND  
INSTALLATION OF APPROXIMATELY 1,540 LINEAR FEET OF EIGHT  
(8") INCH PVC WATERMAIN, TWO (2) HYDRANTS, ONE (1) LINE  
VALVES AND APPURTENANCES IN STRICKLER ESTATES PHASE 2,  
TOWN OF CLARENCE, NEW YORK, PROJECT NO. 202100023, EC NO.  
7189**

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 - AWARD OF CONTRACT TO LEDGE CREEK DEVELOPMENT, INC.  
RELATING TO AREA NO. 1 RESTORATION, APRIL 1, 2022 THROUGH  
MARCH 31, 2024, PROJECT NO. 202200011 - \$5,197,549.00**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 9 - AWARD OF CONTRACT TO AMSTAR OF WESTERN NEW YORK, INC.  
FOR CONTRACT NO. W-034B, STORAGE TANK REFURBISHING AT  
COLE ROAD AND EDEN 4 TANKS IN THE TOWNS OF ORCHARD PARK  
AND EDEN, NEW YORK, PROJECT NO. 202100193 - \$717,000.00**

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 - AUTHORIZATION TO REJECT BIDS AND READVERTISE FOR  
CONTRACT NO. W-034A, STORAGE TANK REFURBISHING AT RICE  
HILL, WOHLHUETER AND CRESTWOOD TANKS IN THE TOWN OF  
BOSTON, NEW YORK, 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 11 - AUTHORIZATION TO GRANT LEAK ALLOWANCE REQUESTS -  
\$3,516.82**

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 RETENTION AND DISPOSITION  
SCHEDULE FOR NEW YORK LOCAL GOVERNMENT RECORDS (LGS-  
01) AND APPOINTMENT TO THE POSITION OF RECORDS  
MANAGEMENT OFFICER**

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 KAREN PRENDERGAST, CHIEF FINANCIAL OFFICER AND JOYCE TOMAKA, COMPTROLLER TO ATTEND A MEETING WITH NEW YORK STATE WATER AUTHORITY FINANCE DEPARTMENT REPRESENTATIVES IN SARATOGA SPRINGS, NEW YORK**

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 - AUTHORIZATION FOR THE ERIE COUNTY WATER AUTHORITY TO OFFER A \$25 BILL CREDIT TO CUSTOMERS WHO PARTICIPATE IN A LEAD AND COPPER SAMPLING PROGRAM**

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 9:50 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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