

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 23rd day of March 2023.

PRESENT: Jerome D. Schad, Chair
 Peggy A. LaGree, Vice Chair
 Michele M. Iannello, Treasurer (via videoconference)
 Terrence D. McCracken, Secretary to the Authority
 Joyce A. Tomaka, Chief Financial Officer
 Mark S. Carney, General Counsel
 Russell J. Stoll, Chief Operating Officer
 Katherine A. Gillette, Associate Attorney
 Jessica R. Brown, Comptroller
 Jennifer Hibit, Director of Human Resources
 Lavonya C. Lester, Director of Administration
 Sabrina A. Figler, Director of Water Quality
 David W. Aubertine, Director of Cybersecurity and Information Technology
 Matthew W. Barrett, Security Officer

ATTENDEES: Brian Gould, e3 Communications

PLEDGE TO THE FLAG

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 9:54 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, February 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, February 16, 2023.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

IV. REPORTS

A. SECRETARY

1. Niagara Falls Water Board

Secretary McCracken shared with the Board a letter received from the Niagara Falls Water Board regarding a visit they made to the Van de Water Water Treatment Plant.

2. 2023 Board Meeting Schedule

After discussion it was determined that the May 18th meeting be moved to May 25th, and the September 21st meeting be moved to September 20th. Both changes will be posted on the Authority's website.

3. e3 Communications

Brian Gould, e3 Communications, gave an overview of the 2021 EPA Lead and Copper Rule Revisions (LCRR) Customer Outreach Tactical Plan. Mr. Gould discussed ways to increase awareness and to inform customers about the LCRR program. A brief discussion was held.

4. 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 deferred to the end of the meeting.

B. LEGAL**C. FISCAL**

1. January 2023 Investment Report

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

2. January 2023 Financial Report

Jessica Brown distributed the January 2023 Monthly Financial report and briefly reviewed the data.

D. OPERATIONS

1. Projects Advertised for Bidding – Formal Contracts

Mr. Stoll informed the Board of projects that have been advertised since the last Board meeting: Asbestos Cement Pipe (ACP) and Asbestos Containing Materials (ACM) Abatement, Removal, and Disposal, June 1, 2023 through May 31, 2025, Sheridan Drive Water System Improvements, Town of Amherst, Water Distribution System Replacements and Improvements Contract, May 1, 2023 to April 30, 2025 and Contract JMD-001, Water System Improvements, Hamburg, Cheektowaga, West Seneca, and Depew.

2. Project Advertised for Bidding – Short Form Contract

Mr. Stoll informed the Board of one project that has been advertised since the last Board meeting: Furnish and Deliver Liquid Chlorine in One Ton Containers to the ECWA for Use in the Treatment of Water for Four Months.

3. Final Payment Application

Mr. Stoll reported to the Board that there have been two final payments processed since the last board meeting: Contract EA-012, Water System Improvements, Towns of Cheektowaga and West Seneca and Village of Depew, PN 202000065, and Contract GP-009, Water System Improvements, PN 202000079

4. RFP Recommendation

Mr. Stoll informed the Board that the Authority recently issued a Request for Proposals for engineering services for the refurbishment of eight water storage tanks within the Authority's system. The RFP was sent to five consulting engineers and was also posted to the ECWA website which resulted in interest from one additional firm. Only one firm chose to submit a proposal for this project, Wendel. The proposal was reviewed and discussed among the

engineering staff, and it was determined that Wendel possesses the relevant qualifications to perform the proposed work. Engineering will proceed with negotiating a professional services agreement.

5. ECWA Operations Center

Mr. Stoll informed the Board that the Authority recently issued a Request for Proposals for engineering and architectural consulting services for the design and construction of the new ECWA Operations Center. The RFP was sent to seven firms and was also posted to the ECWA website which resulted in interest from an additional four firms. Seven firms chose to submit proposals for this project. After a review of the proposals, it was determined that Labella Associates is best suited for the project. Engineering will proceed with negotiating a professional services agreement.

6. Board Request for Service Line Inspection Incentive

Sabrina Figler, Director of Water Quality, spoke regarding the EPA Lead and Copper Rule (LCR). Ms. Figler explained that LCR Standard Monitoring requires the sampling of 100 Tier One sites every six months. Fifty of the 100 sites are required to be homes with a lead service line. To incentivize customers to allow access to their homes and receive the samples before the deadline of June 30, 2023, Ms. Figler requests the Board offers a \$25 bill credit to customers who allow access to their homes to perform an in-home inspection to confirm material type at the meter and commit to the sampling or field verifications for the lead service line.

E. HUMAN RESOURCES

1. AED & Hands Only CPR Training

Jennifer Hibit reported to the Board that AED and Hands Only CPR training was given to 131 ECWA employees at the Service Center on February 28 and March 1, 2023. Training for employees at the Ellicott Square Building and both plant locations are in the process of being scheduled.

2. Employee Assistance Program RFP

Ms. Hibit notified the Board that the Authority's professional service agreement with Child and Family Services for ECWA's Employee Assistance Program expires on April 30, 2023, with all renewal options exhausted. Therefore, the Authority issued a new RFP for an Employee Assistance Program. Ms. Hibit plans to have a resolution on the April 20, 2023 Board meeting to enter into a professional services agreement for these services.

3. Executive Session

Discussion of a matter made confidential by federal or state law (i.e., the attorney-client and deliberative process privileges) pursuant to Public Officers Law §108(2).

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

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 – CLAYTON-ARANA V ECWA- RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP

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

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

C-4 FOIL FROM JOHNNY GOLDSMITH REGARDING WATER SHUT OFF - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP

C-5 FOIL FROM LOVALLO & WILLIAMS REGARDING NORMANDY AVENUE - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP

C-6 FOIL FROM MICHAEL MANCINI REGARDING WATER SHUT OFF - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP

C-7 FOIL FROM ANDREW QUINN REGARDING BID ITEMS - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP

C-8 FOIL FROM DERICK WHITE REGARDING FLOW RATE - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP

- C-9 FOIL FROM HENRY CAHILL REGARDING 5 MANLON TERRACE - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-10 FOIL FROM HENRY CAHILL REGARDING 54 BROOKLANE DRIVE - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-11 FOIL BLUEWATER TELECOMMUNICATIONS REGARDING EXISTING UTILITY LOCATIONS - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-12 FOIL FROM BUFFALO BRICK & MORTAR LLC REGARDING DELINQUENT ACCOUNTS - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-13 FOIL FROM KAYLA WULFF REGARDING 439 AND 449 BORDEN ROAD - 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 COOPERATION AND COST SHARING AGREEMENT WITH THE BUFFALO WATER BOARD IN CONNECTION WITH THE CITY OF BUFFALO INTERCONNECTION HANCOCK TANK SITE, PROJECT NO. 202000310

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

DISCUSSION

On the question, Commissioner LaGree referenced the age of the estimate and questioned the financial commitment of the Authority. Mr. Carney stated that the Authority's liability was capped at \$100,000.00. Mr. Stoll added that it is a feasibility study, and the project may take up to a year. Mr. Carney noted that the project is on hold upon approval by the Buffalo Common Council.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 2 - AUTHORIZATION TO ENTER INTO A CONFIDENTIALITY AND NON-DISCLOSURE LICENSING AGREEMENT WITH THE TOWN OF ORCHARD PARK 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 3 - AUTHORIZATION TO ENTER INTO A CONFIDENTIALITY AND NON-DISCLOSURE LICENSING AGREEMENT WITH THE TOWN OF HAMBURG 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 4 - AUTHORIZATION TO ACCEPT THE CONSTRUCTION AND INSTALLATION OF 2,480 LINEAR FEET OF EIGHT (8") INCH PVC (AWWA C-900, DR-18) 112 LINEAR FEET OF EIGHT (8") INCH DIP (CL 52) WATERMAIN, 30 LINEAR FEET OF SIX (6") INCH DIP (CL-52) WATERMAIN, FIVE (5) HYDRANTS, FIVE (5) VALVES AND APPURTENANCES IN QUEENS LANDING SUBDIVISION, PHASE 2, TOWN OF WEST SENECA, NEW YORK, EC NO. 7284, PROJECT NO. 202200189

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 ACCEPT THE CONSTRUCTION AND INSTALLATION OF 590 LINEAR FEET OF EIGHT (8") INCH PVC (C-900), 30 LINEAR FEET OF TWENTY (20") INCH CASING PIPE, ONE (1) HYDRANT, ONE (1) VALVE AND APPURTENANCES IN PLEASANT CREEK SUBDIVISION, PHASE 2A, TOWN OF HAMBURG, NEW YORK, EC NO. 7246, PROJECT NO. 202100301

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 - AUTHORIZATION TO ACCEPT THE CONSTRUCTION AND INSTALLATION OF 858 LINEAR FEET OF EIGHT (8") INCH PVC (C-900), 40 LINEAR FEET OF TWENTY (20") INCH CASING PIPE, ONE (1) HYDRANT, TWO VALVES AND APPURTENANCES IN PLEASANT CREEK SUBDIVISION, PHASE 4, TOWN OF HAMBURG, NEW YORK, EC NO. 7247, PROJECT NO. 202100302

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 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. 5086.31, PROJECT NO. 202300052

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 DN TANKS OF NEW YORK, LLC FOR CONTRACT NO. MP-088 STURGEON POINT WATER TREATMENT PLANT WASHWATER TANK REPLACEMENT, PROJECT NO. 202100111 - \$3,530,700.00

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

DISCUSSION

On the question, Chairman Schad asked will there be two tanks at Sturgeon Water Treatment Plant at the end of the project. Mr. Stoll confirmed that there will be two tanks, and that the project will be done by the end of next year.

VOTE

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

ITEM 9 - APPROVAL OF AMENDMENT NO. 1 TO THE CONTRACT WITH NIAGARA COATINGS SERVICES, INC. FOR INDUSTRIAL BLASTING, PAINTING, AND ASSOCIATED MAINTENANCE, PROJECT NO. 202200036, CONTRACT NO. 22-19-04

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 - APPROVAL OF AMENDMENT NO. 1 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 11 - 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; Comms. Schad, LaGree and Iannello

Noes: None

ITEM 12 - AUTHORIZATION FOR GABRIELLA HOLEVINSKI, ANALYTICAL CHEMIST (WATER QUALITY) TO ATTEND THE 2023 AWWA ACE CONFERENCE (WATER EVENT) IN TORONTO, CANADA

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

DISCUSSION

None

VOTE

Ayes: Three; Comms. Schad, LaGree and Iannello

Noes: None

ITEM 13 - AUTHORIZATION FOR NATALIA WALCZAK, ACCOUNT CLERK, ANN LONGO, ACCOUNT CLERK, AND KIMBERLY WHITBECK, STORES CLERK TO ATTEND THE NYSSAMPO 2023 WESTERN REGIONAL CONFERENCE IN CORTLAND, NEW YORK

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

DISCUSSION

None

VOTE

Ayes: Three; Comms. Schad, LaGree and Iannello

Noes: None

ITEM 14 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2023

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 CODE OF ETHICS & CONFLICTS OF INTEREST
POLICY, THE 2022 FINANCIAL DISCLOSURE STATEMENT FORM AND
2022 VENDOR LIST**

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

DISCUSSION

Mr. Carney verified that the changes previously discussed would be amended in the documents.

Motion by Ms. Iannello and seconded by Ms. LaGree to amend item 15 to include a description of a position and not the person who will receive the completed documents in the Employee Letter.

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. 15.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 16 - AUTHORIZATION TO FILE THE PUBLIC AUTHORITY REPORTING
INFORMATION SYSTEM (PARIS) 2022 REPORTS TO THE NEW YORK
STATE AUTHORITY BUDGET OFFICE**

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 RESCIND THE ERIE COUNTY WATER AUTHORITY COVID-19 POLICIES AND PROCEDURES

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 18 - AUTHORIZATION FOR THE ERIE COUNTY WATER AUTHORITY TO OFFER A \$25 BILL CREDIT RELATIVE TO A SERVICE LINE INSPECTION FOR THE EPA LEAD AND COPPER RULE AND LEAD AND COPPER RULE REVISIONS

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 at 11:00 a.m. to discuss with the Authority's General Counsel 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 and a matter made confidential by federal or state law (i.e., the attorney-client and deliberative process privileges) pursuant to Public Officers Law §108(2). Mr. Schad invited Terrence McCracken, Mark Carney, Russell Stoll, Joyce Tomaka, Kate Gillette and Jennifer 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 11:45 a.m.

DISCUSSION

Chairman Schad noted that a productive discussion was held, and the Board has given direction to Staff for a course of action.

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 11:46 a.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