

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 24th day of March 2022.

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

ATTENDEES:

PLEDGE TO THE FLAG

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 9:50 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, March 10, 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 Thursday, March 10, 2022.

IV. REPORTS

A. SECRETARY

1. Board Meeting Schedule

Secretary McCracken distributed a board meeting schedule for the remainder of the year. He noted that starting in May a Board meeting will be held once a month on the third Thursday of every month. Chairman Schad asked any items that need to get out (ie contracts, RFPs) will still be done in a timely manner. Mr. McCracken advised that Counsel has been working closely with Karen Prendergast relative to making sure all those administrative items will be taken care of. General Counsel advised that he has circulated a memo to executive staff to review the items in which he believes should be eliminated or appear before the Board. Commissioner LaGree requested to see the list of what will be changing. Mr. Carney ensured her the list will be shared and approved by the Board. Commissioner Schad added that he would also like Counsel to think in terms of the annual audit activity.

B. LEGAL

1. 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)

This matter will be deferred to the end of the meeting.

C. FISCAL

1. February 2022 Investment Report

Karen Prendergast distributed the February 2022 Investment Report along with a brief explanation of the report.

2. Monthly Financial Report – February 2022

Joyce Tomaka distributed the February 2022 Monthly Financial report which includes operating revenue, investment income, operating expense and net income, and briefly reviewed the data. She noted that there was an error on the report made when posting the payments to contractors. \$180,000 for excavations was incorrectly posted to the contractors on the electrician line rather than the repairs. So, the proper presentation should show actual of \$560,000 and be under budget of \$166,000 for payments to contractors and then repairs line should show actual of \$449,000 as opposed to \$269,000. It is higher than budget by \$18,000.

D. OPERATIONS

E. HUMAN RESOURCES

1. Health and Drug Services RFP

Daniel NeMoyer reported that a Request for Proposal was recently issued to five (5) vendors for Health and Drug Screening in which three vendors submitted a proposal. After the review committee's review, it was determined that Healthworks, WNY would be the best fit to perform these services and recommends entering into a contract with Healthworks, WNY. Mr. NeMoyer noted that he would prefer the contract be for a term of three (3) years with two (2) one (1) year renewals.

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 – THE TRAVELERS HOME AND MARINE INSURANCE COMPANY FOR MARK ZAWADSKI V ECWA - RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP

C-2 SUMMONS – NEW YORK CENTRAL MUTUAL INSURANCE CO. AS SUBROGEE OF MICHAEL O'MALLEY V ECWA - RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP

- C-3 FOIL FROM LIMITLESS PROPERTIES REGARDING WATER SHUTOFF LIST - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-4 FOIL FROM JUSTIN LEE REGARDING ERIE COUNTY WATER BREWING SALTS CORP. - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-5 FOIL FROM WHITESTONE REGARDING 5059 TRANSIT ROAD, DEPEW, NY- RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-6 FOIL FROM WHITESTONE REGARDING JOHNSON AVENUE, DEPEW, NY- RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-7 FOIL FROM WHITESTONE REGARDING 3464 MCKINLEY PKWY., HAMBURG, NY- RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-8 FOIL FROM WHITESTONE REGARDING MILESTRIP ROAD, HAMBURG, NY- 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 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 RUSSO DEVELOPMENT, INC. FOR ON-CALL REPAIR SERVICES WATERMANS AND RELATED FACILITIES, SEPTEMBER 1, 2019 THROUGH AUGUST 31, 2021, PROJECT NO. 201900083, IDENTIFIED AS CONTRACT NO. 19-15-08 - \$121,233.99

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 - LEAD AGENCY STATUS RELATIVE TO THE VAN DE WATER TRANSMISSION MAIN INSTALLATION, IDENTIFIED AS CONTRACT NO. GHD-011, PROJECT NO. 202200010

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

DISCUSSION

On the question, Chairman Schad asked what the probable duration is to have this completed, and Mr. Stoll replied a few months.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 4 - AUTHORIZATION TO ENTER INTO A STANDARD RENTAL SERVICE AGREEMENT WITH CINTAS CORPORATION RELATING TO FACILITIES MANAGEMENT PRODUCTS AND SOLUTIONS

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 ENTER INTO A RENEWAL AGREEMENT WITH CSEA EMPLOYEE BENEFIT FUND

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 - AWARD OF CONTRACT TO RUSSO DEVELOPMENT, INC. RELATING TO AREA NO. 2 RESTORATION, APRIL 1, 2022 THROUGH MARCH 31, 2024, PROJECT NO. 202200012 - \$4,455,900.00

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 7 - APPROVAL OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH WENDEL WD ARCHITECTURE, ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, PC TO PROVIDE WATER SYSTEM IMPROVEMENTS IN THE CITY OF LACKAWANNA AND VILLAGE OF DEPEW, NEW YORK (CONTRACT F), IDENTIFIED AS CONTRACT NO. W-033, PROJECT NO. 202100033

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

DISCUSSION

On the question, Commissioner Schad asked Mr. Stoll what prompted the addition of the 350 feet. He replied that once you get into these projects, oftentimes more details show up and it makes sense to amend.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 8 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE FURNISHING AND DELIVERING OF LARGE DIAMETER HYMAX COUPLINGS TO THE ERIE COUNTY WATER AUTHORITY, PROJECT NO. 202200084

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 - AUTHORIZATION FOR DAVID AUBERTINE, DIRECTOR OF CYBERSECURITY AND INFORMATION TECHNOLOGY TO ATTEND A MEETING WITH NEW YORK STATE WATER AUTHORITY INFORMATION TECHNOLOGY 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 10 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL INVESTMENT GUIDELINES

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 FILE THE PUBLIC AUTHORITY REPORTING INFORMATION SYSTEM (PARIS) 2021 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 12 - AUTHORIZATION TO ADOPT POLICY NO. 97.0 PARKING REIMBURSEMENT OF THE EMPLOYEE POLICY 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

Motion made by Ms. LaGree, seconded by Ms. Iannello to go into Executive Session for the discussion relating to matters made confidential by federal or state law (i.e. the attorney-client and deliberative process privileges) pursuant to Public Officers Law § 108(2) at 10:13 a.m. Mr. Schad invited Terrence McCracken, Karen Prendergast, Russell Stoll, Mark Carney, Katherine Gillette, Ed Mills and Jim Militello (via teleconference).

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 11:24 a.m.

DISCUSSION

Chairman Schad reported that a productive discussion was held with Counsel and consultants. Direction was given to Counsel on pending litigation. A discussion was also held with consultants on matters that will require an amendment to the agenda.

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

Motion made by Ms. LaGree, seconded by Ms. Iannello to add Item 13 Proposed Purchase of 61.3 Acres, SBL # 135.11-2-5.12, for Consolidated Office and Warehouse Site and Item 14 Authorization to Solicit Request for Proposals for Consulting Engineering Services Related to Communications Capabilities at the Proposed Consolidated Office and Warehouse Site.

DISCUSSION

None

VOTE

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

**ITEM 13 - PROPOSED PURCHASE OF 61.3 ACRES, SBL # 135.11-2-5.12, FOR
CONSOLIDATED OFFICE AND WAREHOUSE SITE**

DISCUSSION

None

VOTE

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

**ITEM 14 - AUTHORIZATION TO SOLICIT REQUEST FOR PROPOSALS FOR
CONSULTING ENGINEERING SERVICES RELATED TO
COMMUNICATIONS CAPABILITIES AT THE PROPOSED
CONSOLIDATED OFFICE AND WAREHOUSE SITE**

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 11:26 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

PG