

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 15th day of April 2021.

PRESENT: Mark S. Carney, Vice Chairman
 Peggy A. LaGree, Treasurer
 Terrence D. McCracken, Secretary to the Authority
 Margaret A. Murphy, General Counsel (via teleconference)
 Karen A. Prendergast, Chief Financial Officer (via teleconference)
 Russell J. Stoll, Chief Operating Officer
 Leonard F. Kowalski, Executive Engineer (via teleconference)
 Daniel J. NeMoyer, Director of Human Resources (via teleconference)
 Joyce A. Tomaka, Comptroller (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)
 Jeffrey C. Schlierf, Acting Manager of Information Technology (via teleconference)

ATTENDEES:

PLEDGE TO THE FLAG

I. CALL TO ORDER/ROLL CALL

The meeting was called to order. A quorum was present with two Commissioners. Commissioner Schad was excused from the meeting.

II. READING OF MINUTES

Motion by Mr. Carney seconded by Ms. LaGree and carried to read the Minutes of the Meeting held on Thursday, March 25, 2021.

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Carney and LaGree

Noes: None

III. APPROVAL OF MINUTES

Motion by Mr. Carney seconded by Ms. LaGree and carried to approve the Minutes of the Meeting held on Thursday, March 25, 2021.

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Carney and LaGree

Noes: None

IV. REPORTS

A) SECRETARY

1. Creation of IT Positions

Secretary McCracken noted that there are creations for three (3) new IT positions on the board agenda today which have been previously discussed. He thanked General Counsel Margaret Murphy for working with Erie County Personnel relative to developing some new job descriptions.

B) LEGAL

1. Lawley Services, Inc.

Karen Prendergast reported that last year the Board approved a one-year extension to the Professional Services Agreement with Lawley Services, Inc. as the Authority's broker and advisor. She added that we have expanded our request for assistance from Lawley with respect to risk assessment, risk management, insurance, certificate review. Today, the Executive Staff is asking that we be allowed to negotiate a three-year contract with a potential extension with Lawley to continue as our broker. Lawley is currently working up a proposal and possibly making some suggestions on how they can even further expand their assistance to us and are in the process of working on the renewal for July 1, 2021. At this point, executive staff feels it isn't necessary or advantageous to issue an RFP for these services and would like to come back to the Board with a potential agreement. Vice Chairman Carney asked when this was last bid. Ms. Prendergast replied that Lawley has been the Authority's broker of record since 2016. Prior to that, the Authority would assign brokers to individual policies which did not work out, therefore we retained a single broker. Mr. Carney confirmed that Lawley sends the Authority's insurance out for bid then brings the Authority the best deal. Ms. Prendergast replied that is correct. Commissioner LaGree expressed her concerns of not going out for RFP. A brief discussion was held regarding the reasons for this. In conclusion Vice Chairman Carney suggested wait to see how extensive the quote is from Lawley and what

they want to charge. He added that he agrees with General Counsel Murphy that given the explanation on the risk management end of this, the Authority needs to have as much protection as possible.

C) FISCAL

1. Approval of General Services

Karen Prendergast informed the Board that the Authority's professional service contracts, primarily with our engineering contracts, includes a line for "Special Services" which always has a not to exceed amount. It covers costs such as boring, soil, borings, and surveys. She added that Mr. Stoll and herself have been signing off on the recent contracts to make sure the dollar amount in not exceeded. However, there are some older outstanding agreements that are vague with respect to who should be approving those special service costs. There is a resolution and a meeting today that assigns that responsibility as it's assigned in our current agreements to me and the division had that would be responsible for that contract. Vice Chairman Carney asked when we changed over to the new contract form. Mr. Kowalski replied that he believes it was in the past year.

D) OPERATIONS

1. Lead Agency Status Relative to Castle Hill Pump Station Replacement

Leonard Kowalski reported that this item is in support of Item 8 on today's agenda., so the design of the pump station at Castle Hill is currently underway. On June 18, 2020, the Authority executed an agreement with LaBella Associates for the design of the replacement of the Castle Hill Pump Station located in the Town of Aurora. Due to the scope of the project, the Authority's Engineering and Legal Departments believe that the action is subject to review under the New York State Environmental Quality Review Act (SEQRA) to ensure that the Authority is following the proper process. The law firm Harris Beach was engaged to review the approach that the Authority and our consultant are proposing. After reviewing full environmental assessment form that was prepared by Labella Associates, it was determined that the project should be listed as an unlisted action and that the Authority should declare itself as the lead agency. This process will involve a coordinated review that will be performed by the Authority, which will involve coordinating with all the involved agencies, and then responding to comments that are received during the 30-day comment period. After the review process is completed, the Authority, by resolution, will declare itself lead agency and then make a determination of significance under SEQRA. This determination will render the Authority's decision relative to the environmental impact of the project.

2. NYSDOH ELAP Certifications

Sabrina Figler informed the Board that the Water Quality department acquired four analytical instruments in order for the Water Quality department perform analysis in-house. Thanks to the dedicated work of the Water Quality Staff, as of this date we are certified for two (2) Standard Methods (SM) and six (6) Environmental Protection Agency (EPA) methods. The addition of these analytes to our current ELAP certifications allows the ECWA to perform approximately 85% of its required testing in-house. Ms. Figler gave a brief description of each of these methods. She added that the laboratory is growing in leaps and bounds regarding its capabilities and state of the art instrumentation and technology for environmental water analysis. Vice Chairman Carney commented on what an amazing transformation Ms. Figler has overseen and that her and her staff have done incredible job.

E) HUMAN RESOURCES

No Report

F) AUDIT COMMITTEE

No Report

G) GOVERNANCE COMMITTEE

No Report

H) FINANCE COMMITTEE

No Report

I) ETHICS COMMITTEE

No Report

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 – TRACY LEWENDOWSKI - RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP

C-2 NOTICE OF CLAIM – HARMONY MADDIGAN AND ALEX CAGGIANO - RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP

- C-3 NOTICE OF CLAIM – JOHN WILCZYNSKI - RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**
- C-4 NOTICE OF CLAIM – NY CENTRAL MUTUAL INSURANCE COMPANY AS SUBROGEE OF MICHAEL O’MALLEY - RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**
- C-5 NOC - KAREN PUMM - RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**
- C-6 NOC – DAVID CAMUS - RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**
- C-7 NOC – WAYNE WOODS - RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**
- C-8 NOC – PROJECT RESOURCES GROUP, INC. - RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**
- C-9 NOC – HOLT INDUSTRIES, INC. – RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**
- C-10 CUSTOMER LETTER: REBECCA COE - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-11 FOIL FROM WKBW RE ECWA’S WATER SYSTEM - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-12 FOIL FROM EILEEN FLEMMING RE THE AUTHORITY’S COLLECTIVE BARGAINING AGREEMENTS - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-13 ANTHONY ANZALONE RETIREMENT LETTER**

Vice Chairman Carney thanked Mr. Anzalone for his years of service.

C-14 TOM DAMSTETTER RETIREMENT LETTER

Vice Chairman thanked Mr. Damstetter for his years of service.

VI. PERSONS ADDRESSING THE AUTHORITY

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 Mr. Carney and seconded by Ms. LaGree and carried

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Carney and LaGree

Noes: None

ITEM 2 - AUTHORIZATION TO ALLOW THE ERIE COUNTY WATER AUTHORITY'S CHIEF FINANCIAL OFFICER AND OTHER DIVISION HEADS TO APPROVE EXPENDITURES WITHIN EXPENDITURES SET BY THE BOARD OF COMMISSIONER RELATIVE TO PROFESSIONAL SERVICES AGREEMENTS

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Carney and LaGree

Noes: None

ITEM 3- AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH GHD CONSULTING SERVICES, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES FOR STURGEON POINT WATER TREATMENT PLANT SEDIMENTATION BASIN EFFLUENT IMPROVEMENTS, IDENTIFIED AS CONTRACT NO. GHD-010, PROJECT NO. 202100088

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Carney and LaGree

Noes: None

ITEM 4 - AUTHORIZATION TO SOLICIT REQUEST FOR PROPOSALS FOR CONSULTING ENGINEERING SERVICES RELATING TO CERTAIN WATER TRANSMISSION MAINS FROM THE STURGEON POINT WATER TREATMENT PLANT, PROJECT NO. 202100078

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Carney and LaGree

Noes: None

ITEM 5 - AUTHORIZATION TO SOLICIT REQUEST FOR PROPOSALS FOR CONSULTING ENGINEERING SERVICES RELATING TO THE EVALUATION OF CERTAIN TRANSMISSION MAIN FROM THE STURGEON POINT WATER TREATMENT PLANT, PROJECT NO. 202100079

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Carney and LaGree

Noes: None

ITEM 6 - AUTHORIZATION TO SOLICIT REQUEST FOR PROPOSALS FOR GAS DETECTION AND MONITORING EQUIPMENT, PROJECT NO. 202100070

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

DISCUSSION

On the question, Vice Chairman Carney asked if this was the contract to discover leaks and lines. Mr. Kowalski replied it is not, this is for when employees need to enter confined spaces.

VOTE

Ayes: Two; Commrs. Carney and LaGree

Noes: None

ITEM 7 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH NEW YORK STATE INDUSTRIES FOR THE DISABLED FOR LANDSCAPING, GROUND IMPROVEMENTS AND MAINTENANCE OF PROPERTIES OF THE ERIE COUNTY WATER AUTHORITY ERIE COUNTY, NEW YORK FROM APRIL 15, 2021 TO APRIL 14, 2022, PROJECT NO. 202100004

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Carney and LaGree

Noes: None

ITEM 8 - LEAD AGENCY STATUS RELATIVE TO CASTLE HILL PUMP STATION REPLACEMENT, IDENTIFIED AS CONTRACT NO. LA-002, PROJECT NO. 202000178

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Carney and LaGree

Noes: None

ITEM 9 - AUTHORIZATION TO APPROVE A BETTERMENT WORK SHARE COST ESTIMATE FOR ADDITIONAL WORK RELATIVE TO 1.5" MILL AND RESURFACING – NY 5, LAKESHORE ROAD/HAMBURG TURNPIKE; BIG TREE ROAD TO KANE STREET, CITY OF LACKAWANNA, TOWN OF HAMBURG, ERIE COUNTY, PIN NO. 5813.63

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Carney and LaGree

Noes: None

**ITEM 10 - AUTHORIZATION TO GRANT LEAK ALLOWANCE REQUESTS -
\$4,741.56**

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Carney and LaGree

Noes: None

**ITEM 11 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER
AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2021**

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Carney and LaGree

Noes: None

ITEM 12 - NATALIA WALCZAK - LEAVE OF ABSENCE WITHOUT PAY

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Carney and LaGree

Noes: None

**ITEM 13 - CREATION OF ONE POSITION OF DIRECTOR OF CYBERSECURITY
AND INFORMATION TECHNOLOGY, ONE POSITION OF SENIOR
SYSTEMS ENGINEER AND ONE POSITION OF OPERATIONAL
ANALYST & SOLUTION PROGRAMMER**

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Carney and LaGree

Noes: None

ITEM 14 - JESSICA KULPIT - APPOINTMENT AS ASSOCIATE ATTORNEY (PART-TIME)

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Carney and LaGree

Noes: None

Vice Chairman Carney took a moment to thank staff and management by making his three years at the Authority not only welcome, but informative and enjoyable. He added that he cannot think of a better organization to associate his name with nor a better group of people. It has been his pleasure and honor work with everyone. He also wished Chairman Schad a speedy recovery.

IX. ADJOURNMENT

Motion by Mr. Carney seconded by Ms. LaGree carried that the meeting adjourn at 10:23 a.m.

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Carney and LaGree

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

PF