

**MINUTES** of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 28<sup>th</sup> day of April 2022.

**PRESENT:** Jerome D. Schad, Chair  
 Peggy A. LaGree, Vice Chair  
 Michele M. Iannello, Treasurer (via videoconference)  
 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  
 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 (via teleconference)

**ATTENDEES:**

## **PLEDGE TO THE FLAG**

### **I. CALL TO ORDER/ROLL CALL**

The meeting was called to order at 9:48 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, April 7, 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, April 7, 2022.

### IV. REPORTS

#### 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) Carney

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

#### 2. Executive Session

Discussion, pursuant to Public Officers Law 105 (5), relating to the procurement and market availability of liquid chlorine, without which would imperil public safety and pursuant to Public Officers Law 108, exempting attorney-client discussions relating to contract negotiations from the requirements for an Open Meeting Carney

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

### A. FISCAL

#### 1. RFP Financial Advisory Services

Karen Prendergast reported to the Board that the Authority's professional services agreement for Financial Advisory Services will expire on May 31, 2022. Ms. Prendergast informed the Board that there is a resolution on the meeting to solicit proposals for these services. She noted that as financial markets and our capital improvement plans continue to evolve, it would be helpful to have a financial consultant periodically review our financial position and cash flow projections and provide guidance on maximizing interest income.

#### 2. March 2022 Investment Report

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

### 3. Monthly Financial Report – March 2022

Joyce Tomaka distributed the March 2022 Monthly Financial report which includes operating revenue, investment income, operating expense and net income, and briefly reviewed the data.

## **B. OPERATIONS**

### 1. Pre-Procurement of Selected Materials Contract No. MP-090

Executive Engineer Kowalski reported that the Authority has engaged Arcadis of New York, Inc. for the design and construction of improvements to Filters 1 through 10 at the Sturgeon Point Water Treatment Plant, identified as Contract No. MP-090. Under this contract, the Authority asked Arcadis to examine the use of the pre-procurement of major equipment and material items as a method to proactively manage the risks and uncertainties in schedule, price, and cash flow associated with the supply chain disruptions. Pre-procurement involves the pre-purchase of equipment directly from the equipment supplier (manufacturer or manufacturer's representative). Mr. Kowalski noted that the Authority prefers the use of the Owner Procurement – Contractor Assignment method and explained how this method is used. The Engineering Department recommends using the pre-procurement approach to enable the Authority to have the best opportunity to optimize the project schedule, reduce risks associated with procurement delays during construction, and maintain a cash flow more consistent with projections identified in the Authority's WIFIA funding documents.

Mr. Kowalski explained how the payment process is handled once the Authority takes possession of goods. Chairman Schad asked if they give the Authority a better prediction in terms of timeliness. Mr. Kowalski responded his is, essentially, kind of, stabilizing the schedule for the contractor. Once they get their contract in place, they'll start taking delivery of this equipment.

## **C. HUMAN RESOURCES**

## **D. AUDIT COMMITTEE**

## **E. GOVERNANCE COMMITTEE**

## **F. FINANCE COMMITTEE**

## **G. 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 FOIL FROM MICHAEL MANCINI RE SINGLE FAMILY SHUT-OFFS - RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**

**C-2 FOIL FROM ROSANNE DIPIZIO RE PAYROLL RECORDS - RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**

**C-3 RETIREMENT – HENRY MICHNIK - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

Chairman Schad thanked Mr. Michnik for his service.

**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.

**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 STURGEON POINT WATER TREATMENT PLANT SLUDGE REMOVAL, DISPOSAL AND RELOCATION, PROJECT NO. 202100038, CONTRACT NO. 21-24-06 - \$14,740.15**

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 SOLICIT REQUEST FOR PROPOSALS FOR FINANCIAL ADVISORY SERVICES, PROJECT NO. 202200071**

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 A MAIN EXTENSION AGREEMENT (BUILDER-CONTRACTOR-DEVELOPER) WITH PLEASANT DEVELOPMENT LLC AND RUSSO DEVELOPMENT, INC. FOR THE CONSTRUCTION AND INSTALLATION OF APPROXIMATELY 858 LINEAR FEET OF EIGHT (8”) INCH PVC WATERMAIN, ONE (1) HYDRANT, ONE (1) LINE VALVE AND APPURTENANCES IN PLEASANT CREEK SUBDIVISION PHASE 4, TOWN OF HAMBURG, NEW YORK, PROJECT NO. 202100302, EC NO. 7247**

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 MAIN EXTENSION AGREEMENT (BUILDER-CONTRACTOR-DEVELOPER) WITH PLEASANT DEVELOPMENT LLLC AND RUSSO DEVELOPMENT, INC. FOR THE CONSTRUCTION AND INSTALLATION OF APPROXIMATELY 590 LINEAR FEET OF EIGHT (8”) INCH PVC WATERMAIN, ONE (1) HYDRANT AND APPURTENANCES IN PLEASANT CREEK SUBDIVISION PHASE 2A, TOWN OF HAMBURG, NEW YORK, PROJECT NO. 202100301, EC NO. 7246**

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 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 - \$293,491.47**

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 - AWARD OF CONTRACT TO JCI JONES CHEMICALS, INC. FOR THE FURNISHING AND DELIVERING OF LIQUID CHLORINE IN ONE TON CONTAINERS TO THE ERIE COUNTY WATER AUTHORITY FOR USE IN THE TREATMENT OF WATER FOR ONE YEAR, PROJECT NO. 202200017 - \$980,500.00**

Motion by Ms. LaGree and there being no second, the motion fails.

**DISCUSSION**

None

**ITEM 7A - AWARD OF CONTRACT TO JCI JONES CHEMICALS, INC. FOR THE FURNISHING AND DELIVERING OF LIQUID CHLORINE IN ONE TON CONTAINERS TO THE ERIE COUNTY WATER AUTHORITY FOR USE IN THE TREATMENT OF WATER FOR ONE YEAR, PROJECT NO. 202200017**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

Motion by Ms. LaGree and seconded by Ms. Iannello to amend item 7A to add the requirements that final authorization is contingent upon General Counsel's approval.

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 amended Item No. 7A.

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 8 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR CONTRACT NO. NC-043, NEW PUMP STATION AT THE NEWSTEAD WATER STORAGE TANK, PROJECT NO. 202100048**

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 - CREATION OF ONE POSITION OF CASH MANAGER**

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) and Discussion, pursuant to Public Officers Law 105 (5), relating to the procurement and market availability of liquid chlorine, without which would imperil public safety and pursuant to Public Officers Law 108, exempting attorney-client discussions relating to contract negotiations from the requirements for an Open Meeting at 10:15 a.m. Mr. Schad invited Terrence McCracken, Karen Prendergast, Russell Stoll, Mark Carney, Katherine Gillette and Leonard Kowalski.

**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 10:56 a.m.

**DISCUSSION**

Chairman Schad reported that a productive discussion was held. At this time the Board revisited Items 7 and 7A.

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



**ITEM 10 - AUTHORIZATION FOR THE CHAIRMAN OF THE ERIE COUNTY WATER AUTHORITY TO EXECUTE A LAND CONTRACT FOR THE PURCHASE OF APPROXIMATELY 60 ACRES OF LAND IN THE TOWN OF WEST SENECA PURSUANT TO THE LETTER OF INTENT APPROVED BY THIS BOARD ON MARCH 24, 2022**

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 10:59 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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