

**MINUTES** of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 29<sup>th</sup> day of April 2021.

**PRESENT:** **Jerome D. Schad, Commissioner**  
**Peggy A. LaGree, Commissioner (via videoconference)**  
**Michele M. Iannello, Commissioner**  
**Terrence D. McCracken, Secretary to the Authority**  
**Karen A. Prendergast, Chief Financial Officer**  
**Margaret A. Murphy, General Counsel (via teleconference)**  
**Russell J. Stoll, Chief Operating Officer**  
**Leonard F. Kowalski, Executive Engineer (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)**  
**Jeffrey 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 at 9:53 a.m. A quorum was present with three Commissioners.

## **II. READING OF MINUTES**

Motion by Ms. LaGree seconded by Ms. Iannello and carried to read the Minutes of the Meeting held on Thursday, April 15, 2021.

## **DISCUSSION**

None

## **VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

### **III. APPROVAL OF MINUTES**

Motion by Ms. LaGree seconded by Mr. Schad and carried to approve the Minutes of the Meeting held on Thursday, April 15, 2021.

#### **DISCUSSION**

None

#### **VOTE**

Ayes: Two; Commrs. Schad and LaGree

Noes: None; Commissioner Iannello abstained

### **IV. REPORTS**

#### **A) SECRETARY**

No Report

#### **B) LEGAL**

No Report

#### **C) FISCAL**

##### **1. March 2021 Investment Report**

Karen Prendergast distributed the March 2021 Investment Report along with a brief explanation of the report.

##### **2. Monthly Financial Report – March 2021**

Joyce Tomaka distributed the March 2021 Monthly Financial report which includes operating revenue, investment income, operating expense and net income, and briefly reviewed the data.

#### **D) OPERATIONS**

##### **1. EPA Lead and Copper Rule Revision**

Mr. Kowalski distributed a memo with the intent of starting a conversation regarding the impact that the revised Lead and Copper rule will have on the Authority, both financially and administratively. The revised rule will have an impact on almost every department within the Authority and having a comprehensive strategy in place to help to help implement the upcoming changes is needed. 2024 is when the deadlines for the new rule will start going into effect, so the next three years will be utilized to prepare for the

upcoming deadlines. The Authority has been proactive on several items, such as reviewing our current corrosion control treatment process, and we are in the process of starting a pipe loop study well in advance of being required by the rule. The lead service line inventory has been in development for several years now which is a requirement to be made available to customers to provide information on the type of material their service is made of. The inventory is not only informational, but it will also be utilized to develop our lead service line replacement program, which will involve a large capital investment. Mr. Kowalski added that the issue of service replacements and how the private side will be handled will have to be addressed. The revised rule strongly discourages partial replacements, because removing only one side of the service and leaving a disturbed service in place greatly increases lead levels for the short term. Mr. Kowalski recommends that moving forward is to develop a Request for Proposals (RFP) for a Program Manager. The Program Manager would take on the administrative role of coordinating the Authority's response to staying in compliance with the new rule. The RFP will be developed by the Engineering Department and reviewed by the Executive Staff and Director of Water Quality prior to being submitted to the Board. Chairman Schad asked if the RFP will include issues such as notices and how would it be handled. Mr. Kowalski replied that it will be. These will be similar to boil water notices where you have certain timelines when you need to notify the affected customers with a perimeter of where you had an action level which all needs to be documented. Mr. Schad asked to see at some point a rough timeline of when the Board needs to take action on proposed plans of solutions for each of these components.

## 2. RFP Washwater Tank Replacement Sturgeon Point

Executive Engineer Kowalski informed the Board that a Request for Proposal (RFP) was recently issued for replacement of the existing washwater tank at the Sturgeon Point Water Treatment Plant with a new, prestressed concrete AWWA D110, Type III tank. RFPs were issued to seven consulting engineers: Arcadis, Barton & Loguidice, GHD, JM Davidson Engineering, Labella Associates, Nussbaumer & Clark, and Wendel. One other firm, Ramboll, obtained the RFP through the posting on our website. Seven firms chose to submit proposals for this project (Nussbaumer & Clark elected to sub consult to JM Davidson). After review, it was determined that Arcadis provided an experienced project team to perform the work and demonstrated experience with similar work, and the Engineering Department will move forward with negotiations with Arcadis to develop a Professional Services Contract for the referenced project.

## 3. Recommended Terms and Conditions for New Cell Tower Leases

Lavonya Lester reported that Bench Strength Partners Inc., ("BSP"), the Authority's consulting firm relating to Cell Tower Leasing Valuation, Review of Existing Leases and other related services, has reached out to Sprint and T-Mobile because the Authority has (2) expired contracts, (2) contracts that will be expiring in November 2021, and (1) contract expiring in 2022. BSP has established several important Heads of Terms ("HOT") and tower fees that will be proposed to Sprint and T-Mobile and upon the approval by the Authority board, negotiated so that it may be incorporated into the new

cell antenna lease agreements. Ms. Lester requested that the Board review and approve the initial Heads of Terms and tower fees so that BSP can proceed with the negotiation procedures. BSP will contact Sprint and T-Mobile to finalize the proposed negotiations. All final cell tower leases will be created by the Authority's Legal Department and submitted to the board for final approval and execution.

#### **E) HUMAN RESOURCES**

##### **1. Child and Family Services Contract Extension**

Daniel NeMoyer informed the Board that the agreement with Child and Family Services (C&F Services) will expire on April 30, 2021. Under Section 3.B., Extension of Contract, this contract may be renewed for two additional one-year periods on the same terms and conditions. The Authority and C&F Services agree that a one-year extension of the current contract at the same terms and conditions would be mutually beneficial for both parties. Mr. NeMoyer added that there is a resolution on the Board agenda to extend the contract for one year.

#### **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 - NATIONAL FUEL GAS DISTRIBUTION CORP. V ECWA - RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**

#### **C-2 NOTICE OF CLAIM – CHARTER SPECTRUM V ECWA – RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**

- C-3 FOIL FROM RUPP BAASE PFALZGRAF CUNNINGHAM, LLC REGARDING RECORDS PERTAINING TO 3804 LAKE SHORE ROAD, BLASDELL, NY - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-4 FOIL FROM ERICA FRANCE OF CONSTRUCTION JOURNAL REGARDING SUBMITTAL LISTS AND AMOUNTS FOR VARIOUS CONTRACTS - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-5 FOIL FROM RASSIL SAYESS OF NYS WATER RESOURCES INSTITUTE REGARDING WATER QUALITY DATA - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-6 RETIREMENT LETTER FROM NICHOLAS SPRATZ, CONSTRUCTION INSPECTOR**

Chairman Schad Mr. Spratz 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 Ms. Iannello and seconded by Ms. LaGree and carried

#### **DISCUSSION**

None

#### **VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

### **ITEM 2 - FINAL ACCEPTANCE OF PROJECT WITH GEITER DONE OF WNY, INC. FOR EXCAVATED MATERIAL REMOVAL AND DISPOSAL, APRIL 1, 2018 THROUGH MARCH 31, 2020, PROJECT NO. 201800010, CONTRACT NO. 18-17-04 - \$23,635.77**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 3 - AUTHORIZATION TO SOLICIT REQUEST FOR PROPOSALS FOR CONSULTING ENGINEERING SERVICES FOR STURGEON POINT WATER TREATMENT PLANT AND VAN DE WATER TREATMENT PLANT RAW WATER INTAKE IMPROVEMENTS, PROJECT NO. 202100052**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 4 - AUTHORIZATION TO SOLICIT REQUEST FOR PROPOSALS FOR CONSULTING ENGINEERING SERVICES FOR 2021-2022 DISTRIBUTION MAIN DESIGN PROJECTS, TOWNS OF HAMBURG, CHEEKTOWAGA AND WEST SENECA AND VILLAGE OF DEPEW, NEW YORK, PROJECT NO. 202100075**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 5 - AWARD OF CONTRACT TO DJM CONTRACTING, INC. FOR CONTRACT NO. GP-009, WATER SYSTEM IMPROVEMENTS UPGRADES ON GEORGE URBAN BOULEVARD, TOWN OF CHEEKTOWAGA, NEW YORK, PROJECT NO. 202000079 - \$2,675,720.00**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 6 - AWARD OF CONTRACT TO KANDEY COMPANY, INC. FOR WATER DISTRIBUTION SYSTEM REPLACEMENTS AND IMPROVEMENTS, MAY 1, 2021 TO APRIL 30, 2023, PROJECT NO. 202100009 - \$2,421,170.00**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 7 - AWARD OF MATERIALS AND SUPPLY CONTRACT TO PIONEER PUMP SYSTEMS, INC. FOR THE FURNISHING OF BOOSTER PUMPS AND MOTORS FOR EDEN 2 PUMP STATION, PROJECT NO. 202000154 - \$64,790.00**

No motion or second was made to approve award the Materials and Supply Contract to Pioneer Pump Systems, Inc. for the furnishing of Booster Pumps and Motors for Eden2 Pump Station, Project No. 202000154 - \$64,790.00.

**DISCUSSION**

None

**VOTE**

Ayes: None

Noes: None

Resolution is defeated

**ITEM 8 - AWARD OF MATERIALS AND SUPPLY CONTRACT TO FLUID KINETICS, INC. FOR THE FURNISHING OF BOOSTER PUMPS AND MOTORS FOR HAMBURG AND LAKEVIEW PUMP STATIONS, PROJECT NO. 202000154 - \$126,098.00**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 9 - APPROVAL OF AMENDMENT NO. 1 OF CHILD AND FAMILY SERVICES OF ERIE COUNTY TO PROVIDE EMPLOYEE ASSISTANCE PROGRAM SERVICES, PROJECT NO. 201800060**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 10 - APPROVAL OF AMENDMENT NO. 1 TO THE COOPERATIVE AGREEMENT WITH THE CITY OF LACKAWANNA IN CONNECTION WITH THE CENTER STREET RECONSTRUCTION AND IMPROVEMENT PROJECT IN THE CITY OF LACKAWANNA, NEW YORK, PROJECT NO. 202100019**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 11 - APPROVAL OF AMENDMENT NO. 3 TO THE PROFESSIONAL SERVICES CONTRACT WITH CAPITAL MARKETS ADVISORS, LLC. TO PROVIDE FINANCIAL ADVISORY SERVICES TO THE ERIE COUNTY WATER AUTHORITY, PROJECT NO. 201600069**

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

**DISCUSSION**

None



**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 12 - AUTHORIZATION TO APPLY FOR FINANCING THROUGH THE  
WATER INFRASTRUCTURE FINANCE AND INNOVATION ACT (WIFIA)**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 13 - CREATION OF ONE POSITION OF SENIOR ASSOCIATE ATTORNEY**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 14 - CREATION OF ONE POSITION OF SENIOR ENGINEER ASSISTANT**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**IX. ADJOURNMENT**

Motion by Ms. Iannello seconded by Ms. LaGree carried that the meeting adjourn at 10:19 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

PF