

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 19th day of May 2022.

PRESENT: Jerome D. Schad, Chair
 Peggy A. LaGree, Vice Chair
 Michele M. Iannello, Treasurer
 Terrence D. McCracken, Secretary to the Authority
 Karen A. Prendergast, Chief Financial Officer
 Mark S. Carney, General Counsel
 Leonard F. Kowalski, Executive Engineer (via teleconference)
 Joyce A. Tomaka, Comptroller
 Katherine A. Gillette, Associate Attorney
 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 (via teleconference)
 Matthew W. Barrett, Security Officer (via teleconference)

ATTENDEES:

PLEDGE TO THE FLAG

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 9:34 a.m. A quorum was present with three Commissioners.

I. READING OF ANNUAL MINUTES

Motion by Ms. LaGree seconded by Ms. Iannello and carried to read the Minutes of the Annual Meeting held on Thursday, April 28, 2022.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

II. APPROVAL OF ANNUAL MINUTES

Motion by Ms. LaGree seconded by Ms. Iannello and carried to approve the Minutes of the Annual Meeting held on Thursday, April 28, 2022.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

III. READING OF MINUTES

Motion by Ms. LaGree seconded by Ms. Iannello and carried to read the Minutes of the Meeting held on Thursday, April 28, 2022.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

IV. APPROVAL OF MINUTES

Motion by Ms. LaGree seconded by Ms. Iannello and carried to approve the Minutes of the Meeting held on Thursday, April 28, 2022.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

V. REPORTS

A. SECRETARY

B. LEGAL

C. FISCAL

1. Banking RFP

Karen Prendergast advised the Board that an RFP was recently issued for Banking Services. Responses were received from KeyBank, M&T Bank, JP Morgan Chase and Bank of America. After a review, Ms. Prendergast recommended the Authority maintain its banking relationships with M&T as the current trustee for the Authority's debt service accounts and Key Bank as the lockbox and ACH provider. Commissioner LaGree asked if the Authority will have to renegotiate. Ms. Prendergast replied that she doesn't foresee any changes with Key Bank or M&T. Ms. Prendergast explained the deposit credit analysis that is conducted monthly. She noted that is not a contract - it's a choice the Authority makes as they will give us credit for money we keep on hand in the checking account because it is interest free in lieu of interest.

D. OPERATIONS

1. EPA Lead & Copper Rule Revisions

Leonard Kowalski reported to the Board that an RFP was recently issued for the development and implementation of a compliance program for EPA's Lead and Copper Rule Revisions (LCRR) with the Consultant acting as the Program Manager. Under this project, the Program Manager will take on the administrative role of coordinating the ECWA's response to the LCRR. Arcadis of New York, Inc. (Arcadis), GHD, and Hazen & Sawyer submitted proposals. Two additional firms, Blue Conduit and 120Water chose to offer subconsultant services to the prime consulting firms. After the proposals were reviewed and discussed among the engineering and water quality staff, it was determined that Arcadis of New York is the best firm suited for the project. Mr. Kowalski informed the Commissioners that the lump sum cost for the services is approximately \$570,000. There will be resident inspection costs in the approximate amount of \$60,000 for work in the field. Commissioner LaGree asked if Mr. Kowalski feels the timeframe is possible. Mr. Kowalski replied that he does believe it is possible and further explained why. Chairman Schad questioned if there is any way to find something that captures the scopes of this work for an IUP submission this June. Executive Engineer Kowalski noted that in Arcadis' proposal the IUP application was filled out and included them so that is almost complete and once the contract is in place, the engineering report can be developed and then submitted to further complete that submission for the IUP. All the paperwork will be submitted prior to that June date this year. Mr. Schad requested a list of projects that the Authority is targeting for the IUP filings.

E. HUMAN RESOURCES

1. Executive Session

Discussion relating to collective negotiations pursuant to article fourteen of the Civil Service Law pursuant to Public Officers Law §105(1)(e)

F. AUDIT COMMITTEE**G. GOVERNANCE COMMITTEE****H. FINANCE COMMITTEE****I. ETHICS COMMITTEE****VI. 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 MARTIN SIMMANCE REGARDING BILL - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP

C-2 NOC: MARK ZAWADZKI V ECWA - RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP

C-3 NOC: JEROME KASPARZAK V ECWA - RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP

C-4 NOC: SUZANNE LEPORE V ECWA - RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP

C-5 NOC: STEVEN WAGNER V ECWA - RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP

C-6 NOC: NATIONAL FUEL GAS DISTRIBUTION CORPORATION V ECWA - RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP

VII. 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.

VIII. UNFINISHED BUSINESS

IX. NEW BUSINESS

ITEM 1 - 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. 5814.53, PROJECT NO. 202200026

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 - AWARD OF CONTRACT TO K&S CONTRACTORS SUPPLY, INC. FOR THE FURNISHING AND DELIVERING OF LARGE DIAMETER HYMAX COUPLINGS TO THE ERIE COUNTY WATER AUTHORITY, PROJECT NO. 202200084 - \$81,488.00

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 3 - AWARD OF CONTRACT TO AMSTAR OF WESTERN NEW YORK, INC. FOR CONTRACT NO. W-034A, STORAGE TANK REFURBISHING AT RICE HILL, WOHLHUETER AND CRESTWOOD TANKS IN THE TOWN OF BOSTON, NEW YORK, PROJECT NO. 202100193 - \$1,013,790.00

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 4 - AWARD OF CONTRACT TO KEMIRA WATER SOLUTIONS, INC. FOR THE FURNISHING AND DELIVERING OF POLYALUMINUM CHLORIDE COAGULANT TO THE ERIE COUNTY WATER AUTHORITY FOR USE IN THE TREATMENT OF WATER FOR ONE YEAR, PROJECT NO. 202200031 - \$786,592.74

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

DISCUSSION

On the question, Commissioner Iannello asked if there has been an increase in the cost of the coagulant. Mr. Kowalski replied that the price in 2019 was \$132/1,000 lbs., and the bid price for this contract is \$210/1,000 lbs.

VOTE

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

ITEM 5 - APPROVAL OF AMENDMENT NO. 2 TO THE CONTRACT WITH CRM CONTRACTING, INC. RELATING TO FENCING AND GUARDRAIL MAINTENANCE, REPLACEMENT AND ALTERATION CONTRACT FROM APRIL 1, 2020 TO MARCH 31, 2021, PROJECT NO. 202000004, IDENTIFIED AS CONTRACT NO. 20-23-09

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

DISCUSSION

On the question, Commissioner LaGree asked if CRM responded to the new bid? Mr. Kowalski answered that it was advertised, and 8-10 contractors were contacted, however, there was no response to the contract.

VOTE

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

ITEM 6 - APPROVAL OF AMENDMENT NO. 3 TO THE PROFESSIONAL SERVICES AGREEMENT WITH E3 COMMUNICATIONS, INC. RELATING TO COMMUNICATIONS AND PUBLIC RELATIONS SERVICES, PROJECT NO. 201800179

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 - AUTHORIZATION FOR THE REVIEW AND APPROVAL OF THE ADVERTISEMENT OF BIDS, AND THE SOLICITATION OF REQUESTS FOR PROPOSALS OR INFORMATION TO BE DELEGATED TO, AND VESTED WITH, MEMBERS OF THE EXECUTIVE STAFF WITH FINAL AUTHORIZATION FOR THE APPROVAL OF CONTRACTS REMAINING WITH THE BOARD OF COMMISSIONERS

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 - AUTHORIZATION TO GRANT A COURTESY REVERSAL OF DELINQUENT CHARGES FOR THE TOWN OF AMHERST - \$6,528.78

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 TO REVISE AND ADOPT THE ERIE COUNTY WATER AUTHORITY'S POLICY NO. 40 (HOLIDAYS)

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 FOR LEONARD KOWALSKI, EXECUTIVE ENGINEER, DAVID PATTON, SR. PRODUCTION ENGINEER AND MICHAEL WYMER, SR. PRODUCTION ENGINEER TO ATTEND THE 2022 AWWA ACE CONFERENCE IN SAN ANTONIO, TEXAS

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 AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2022

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 - REBECCA A. BYLEWSKI - APPOINTMENT AS ASSOCIATE ATTORNEY (PART-TIME)

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 13 - AUTHORIZATION TO INCREASE THE HOURLY RATE OF PAY FOR THE ERIE COUNTY WATER AUTHORITY'S SEASONAL EMPLOYEES

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 collective negotiations pursuant to article fourteen of the Civil Service Law pursuant to Public Officers Law §105(1)(e) at 9:52 a.m. Mr. Schad invited Terrence McCracken, Karen Prendergast, Mark Carney, Daniel NeMoyer 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 10:50 a.m.

DISCUSSION

Chairman Schad reported that a productive discussion was held regarding bargaining matters and have given instructions on follow up.

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

Chairman Schad asked for a moment of silence was held in memory of the wonderful members of our community who were lost this weekend due to a mass shooter and then read off their names.

X. ADJOURNMENT

Motion by Ms. LaGree seconded by Ms. Iannello carried that the meeting adjourned at 10:51 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