

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 21st day of May 2020.

PRESENT: **Jerome D. Schad, Chairman**
Mark S. Carney, Vice Chairman/Treasurer
Peggy A. LaGree, Commissioner (via video conference)
Terrence D. McCracken, Secretary to the Authority
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)
Katherine A. Gillette, Associate Counsel (via teleconference)
Jacqueline Mattina, Associate Counsel (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)
Richard J. Deren, Network Specialist

ATTENDEES:

PLEDGE TO THE FLAG

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 9:35 a.m. A quorum was present with three Commissioners.

Chairman Schad welcomed Commissioner LaGree to the Erie County Water Authority.

II. READING OF ANNUAL MINUTES

Motion by Mr. Carney seconded by Mr. Schad and carried to read the Minutes of the Annual Meeting held on Thursday, April 30, 2020.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

III. APPROVAL OF ANNUAL MINUTES

Motion by Mr. Carney seconded by Mr. Schad and carried to approve the Minutes of the Annual Meeting held on Thursday, April 30, 2020.

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None; Commissioner LaGree abstained

IV. READING OF MINUTES

Motion by Mr. Carney seconded by Ms. LaGree and carried to read the Minutes of the Meeting held on Thursday, April 30, 2020.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

V. APPROVAL OF MINUTES

Motion by Mr. Carney seconded by Ms. LaGree and carried to approve the Minutes of the Meeting held on Thursday, April 30, 2020.

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None; Commissioner LaGree abstained

VI. REPORTS

A) SECRETARY

1. Executive Session

Discussion relating to matters of a particular corporation pursuant to Public Officers Law § 105(1)(f) (matters relating to the employment, dismissal or removal of a particular corporation)

Chairman Schad asked that the Executive session be discussed at the end of the meeting.

2. Civil Service Approvals

Secretary McCracken reported that he has received Civil Service approval for Chuck Abdallah (Crew Chief), Michael Quinn (Sr. Distribution Engineer) and John DelMonte (Associate Attorney Part-Time). Chairman Schad requested an updated organizational chart for the Commissioners. Mr. McCracken replied that he will have the chart for the Commissioners next week.

B) LEGAL

1. Lawley Services, Inc.

Karen Prendergast reported that in June of 2019 the Authority entered into a one-year professional services agreement with Lawley Services to provide brokerage services for insurance. The intent was to issue an RFP for brokerage services before the 2020 renewal. However, due to the retirement of the former Risk Manager along with people working from home the last several months, the RFP was never issued. Ms. Prendergast told the Board that she and Ms. Murphy are recommending that the Board extend this agreement for one year with no additional costs. She also added that since the retirement of the former Risk Manager, Lawley has taken over several responsibilities that the Authority previously performed in-house. They handle risk assessments for contracts, review our insurance or insurance certificates to make sure that they're placed with equitable companies at no additional cost. Ms. Prendergast noted that there is a resolution on today's meeting authorizing the extension. The resolution also authorizes Ms. Prendergast to sign all insurance documents to bind coverage for the Authority. Lawley Services will be speaking at the next meeting about options with respect to renewals. Commissioners Schad and Carney both agreed that it is a good idea to authorize Ms. Prendergast to sign all insurance documents to bind coverage.

2. Policy 43.0 Waiver

Karen Prendergast noted that pursuant to the Authority's Policy No. 43, employees are eligible for medical and dental coverage for which they are responsible for, and contribute to a portion of the monthly premium cost. Two of the part-time attorneys who have been furloughed since the beginning of the emergency period contribute to the premium for medical and dental coverage. Ms. Prendergast added that there is a resolution on the meeting requesting to waive the monthly healthcare contribution for the two part-time attorneys only who have not been issued a payroll check but remain on the active payroll. The Commissioners agreed to waiving the policy.

C) FISCAL

1. Procurements

Karen Prendergast asked the Board that if they had any questions regarding the list of procurement purchase orders and payments of master purchase orders that she had approved. Commissioner Carney noted he reviewed the list, and it is appropriate.

2. April 2020 Investment Report

Karen Prendergast distributed the April 2020 Investment Report along with a brief explanation of the report.

3. Monthly Financial Report – April 2020

Karen Prendergast distributed the April 2020 Monthly Financial report which includes operating revenue, investment income, operating expense and net income. Ms. Prendergast mentioned that modifications to the report were made highlighting some of the expenses that are unique to the pandemic.

D) OPERATIONS

1. RFP – Sturgeon Point Piping & Valve

Leonard Kowalski informed the Board that the Authority recently issued a Request for Proposal (RFP) for the design of a series of improvements related to the filtration system of the Sturgeon Point Water Treatment Plant. RFPs were issued to four consulting engineers: Arcadis, GHD, Nussbaumer & Clark, and Hazen & Sawyer. Another three firms obtained the RFP through our website (O'Brien & Gere, CPL, and Barton & Loguidice). In the end, two firms, Arcadis and GHD, chose to submit proposals for this project. The proposals were reviewed and discussed among the engineering staff, and it was determined that Arcadis provided an experienced project team to perform the work and demonstrated a higher degree of current, direct experience with recent/ongoing work in facilities of comparable treatment technology and capacity to the Sturgeon Point WTP.

Mr. Kowalski noted that if there are no objections, the Engineering Department would like to negotiate a Professional Services Contract with Arcadis. The Board had no objections.

2. Budget Update

Mr. Kowalski prepared a budget update for the Commissioners. Each unit of the Production and Engineering Departments were reviewed for capital spending to date and projected spending for the remainder of the year. He went through a brief description of the status for each unit. Chairman Schad commended Mr. Kowalski on a great job preparing this report. However, he would like two things added: 1. make the description of the project clear in order to be able to identify and know where the project is. 2. incorporate target dates for each project such as the date the Board will authorize the issuance of an RFP and start date of the project. Chairman Schad remarked that doing so will allow us to monitor how we are going to achieve these dates. Commissioner Carney inquired if Chairman Schad would like this done for all the projects. Chairman Schad replied that he feels it should be done for all the projects because we're expanding our capital budget each year, and we're going to have a heavier lift each year, and we've got to manage how we get there.

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

VII. 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 BUSINESS DEVELOPMENT STRATEGY RELATIVE TO BILLING & PAYMENT RFP - RECEIVED AND FILED AND REFERRED TO SECRETARY FOR FOLLOW UP

C-2 FOIL FROM KANDEY COMPANY RELATIVE TO STURGEON POINT SLUDGE REMOVAL, DISPOSAL & RELOCATION, PROJECT NO. 201900091 - RECEIVED AND FILED AND REFERRED TO SECRETARY FOR FOLLOW UP

C-3 NOTICE OF CLAIM: DANIEL MAYNARD NY - RECEIVED AND FILED AND REFERRED TO LEGAL FOR FOLLOW UP

Secretary McCracken reported that he has received a letter from Commissioner Carney resigning from his position as Treasurer effective 12:00 p.m. May 21, 2020. Chairman Schad thanked Commissioner Carney for his additional one-month extension of his Treasurer duties.

Motion by Mr. Carney and seconded by Ms. LaGree to suspend the agenda

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

Motion by Mr. Carney, seconded by Ms. LaGree to nominate Peggy A. LaGree as Treasurer of the Erie County Water Authority.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

VIII. 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.

IX. UNFINISHED BUSINESS

X. 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: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 2 - AUTHORIZATION TO ENTER INTO MEMORANDUM OF UNDERSTANDING WITH THE BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 3 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH HAZEN & SAWYER TO PROVIDE CONSULTING ENGINEERING SERVICES FOR VAN DE WATER TREATMENT PLANT CAPACITY EXPANSION PROJECT, IDENTIFIED AS CONTRACT NO. HS-001, PROJECT NO. 202000134

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

DISCUSSION

Mr. Kowalski explained that the consultant is going to be required to complete each of the three tasks included in the contract to provide a basis of design for the expansion of the treatment capacity at the Van de Water Treatment Plant. Basically, the consultant is going to provide the Authority with a report that's going to give us a path forward and how we think it's best to move forward with the project for the expansion of the Van de Water Treatment Plant. This will happen with the consultant looking at future consumption information and if it's warranted to consider expanding the plant. They will then do some testing on the existing basins to try and verify information that was provided in an earlier report. This will provide us with a better idea of what scope the

project is going to be when we put it out for design. These documents will help us make the decision if we plan on expanding the Van de Water Plant or continue as is. Chairman Schad inquired if it is realistic to think that we won't want to end up with a design that will allow us to get to 82.5 million gallons per day capacity. Mr. Kowalski replied that it is hard to tell at this time but hopefully this report will help us with a decision.

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 4 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH GHD CONSULTING SERVICES, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES FOR POWDERED ACTIVATED CARBON SYSTEM IMPROVEMENTS, VAN DE WATER AND STURGEON POINT WATER TREATMENT PLANTS, IDENTIFIED AS CONTRACT NO. GHD-009, PROJECT NO. 202000133

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 5 - AUTHORIZATION TO SOLICIT REQUEST FOR PROPOSALS FOR GIS TECHNICAL SUPPORT CONSULTING SERVICES, PROJECT NO. 202000136

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

DISCUSSION

Chairman Schad asked Mr. Schlierf if there are goals that we are trying to meet relative to the integration side of GIS enhancements. Mr. Schlierf explained that the ongoing projects should get us where we need to be. Chairman Schad asked if our system is equipped to locate a leak and be able to pinpoint it and show us a map of it. Mr. Schlierf remarked that yes we are able to do that with the GIS equipment.

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 6 - 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. 5308.38, PROJECT NO. 202000150

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 7 - AWARD OF CONTRACT TO DJM CONTRACTING, INC. FOR CONTRACT NO. CH-012, WATER SYSTEM IMPROVEMENTS IN THE TOWN OF CHEEKTOWAGA, NEW YORK, PROJECT NO. 201900074 - \$2,415,300.00

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 8 - AWARD OF CONTRACT TO FERGUSON ELECTRIC SERVICE COMPANY, INC. FOR HIGH VOLTAGE, SERVICE, SWITCHGEAR INSPECTION AND EMERGENCY ELECTRICAL WORK WITHIN THE ERIE COUNTY WATER AUTHORITY'S FACILITIES FOR A PERIOD OF TWO YEARS FROM JUNE 1, 2020 THROUGH MAY 31, 2022, PROJECT NO. 202000014 - \$1,602,200.00

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 9 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR HEATING, VENTILATING AND AIR CONDITIONING SERVICE AND PREVENTIVE MAINTENANCE WORK FOR A TWO-YEAR PERIOD FROM JULY 1, 2020 THROUGH JUNE 30, 2022, PROJECT NO. 202000098

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 10 - APPROVAL OF CHANGE ORDER NO. 1 OF SIMMERS CRANE DESIGN AND SERVICES FOR INSPECTION AND REPAIR OF OVERHEAD CRANES AT VARIOUS ERIE COUNTY WATER AUTHORITY LOCATIONS, PROJECT NO. 201700072, CONTRACT NO. 17-12-06

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

DISCUSSION

Commissioner LaGree asked if the contracts relative to items 10 and 11 are being extended in order to allow for a new short form contract to be developed, and if so, is someone working on the short form contract. She also questioned if this will be in place in time so there won't have to be another extension in December. Mr. Kowalski informed the Commissioners that the Legal department has provided a draft of the document for purchasing material and equipment which should be ready for the next Board meeting or the meeting after. The Legal department is currently working on the contract for services such as crane inspections and fabrication services. He believes this form will be ready in June as well. It will then be put out to bid for 3 to 4 weeks and should have contracts by the fourth quarter, definitely September or October of this year. Chairman Schad asked that this be kept on a tight schedule so that we're not in a further extension at the end of the year.

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 11 - APPROVAL OF CHANGE ORDER NO. 3 OF FREDERICK MACHINE REPAIR, INC. FOR MACHINING AND FABRICATION SERVICES FOR THE REPAIR OF VARIOUS ERIE COUNTY WATER AUTHORITY EQUIPMENT, PROJECT NO. 201700071, CONTRACT NO. 17-09-06

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 12 - APPROVAL OF CHANGE ORDER NO. 1 OF H&K SERVICES, INC., FOR THE FURNISHING AND DELIVERING OF ONE BULK CAUSTIC SODA STORAGE TANK FOR STURGEON POINT WATER TREATMENT PLANT, PROJECT NO. 201900133, CONTRACT NO. 19-17-09 - \$44,938.00

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 13 - APPROVAL OF AMENDMENT NO. 2 OF GREENMAN-PEDERSEN, INC. FOR CONTRACT NO. GP-08, WATER SYSTEM IMPROVEMENTS PROJECT – TOWNS OF HAMBURG AND WEST SENECA, CITY OF LACKAWANNA, PROJECT NO. 201900076 - \$13,842.76

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 14 - APPROVAL OF AMENDMENT NO. 1 OF ARCADIS TO PROVIDE AN AWIA - RISK AND RESILIENCE ASSESSMENT AND UPDATES TO THE AUTHORITY'S EMERGENCY RESPONSE PLAN, IDENTIFIED AS CONTRACT NO. MP-083, PROJECT NO. 202000041- \$138,000.00

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 15 - APPROVAL OF AMENDMENT NO. 1 OF GHD TO PROVIDE CONSULTING ENGINEERING SERVICES FOR THE ERIE COUNTY WATER AUTHORITY'S GUENTHER PUMP STATION REHABILITATION, PROJECT NO. 201800138, IDENTIFIED AS CONTRACT NO. GHD-007 - \$183,800.00

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 16 - AUTHORIZATION TO EXTEND THE PROFESSIONAL SERVICES CONTRACT WITH CAPITAL MARKETS ADVISORS, LLC. TO PROVIDE FINANCIAL ADVISORY SERVICES TO ERIE COUNTY WATER AUTHORITY, PROJECT NO. 201600069

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 17 - APPROVAL OF AMENDMENT NO. 1 OF LAWLEY SERVICES, INC. RELATIVE RISK MANAGEMENT AND INSURANCE BROKER SERVICES, PROJECT NO. 201900047

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 18 - RATIFICATION OF THE INSTALLATION OF HYDRANTS AND VALVES AND RETIREMENT OF EXISTING HYDRANTS AND VALVES - VARIOUS LOCATIONS

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 19 - AUTHORIZATION TO GRANT LEAK ALLOWANCE REQUEST - \$521.42

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 20 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2020

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 21 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2020

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 22 - AUTHORIZATION TO WAIVE POLICY NO. 43.0 (INSURANCE BENEFITS) OF THE ERIE COUNTY WATER AUTHORITY EMPLOYEE POLICY AND PROCEDURE MANUAL

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

Motion made by Mr. Carney, seconded by Ms. LaGree to go into Executive Session for discussion relating to personnel matters of a particular corporation pursuant to Public Officers Law § 105(1)(f) (matters relating to the employment, dismissal or removal of a particular corporation) at 10:20 a.m. Mr. Schad invited Mr. McCracken, Ms. Gillette, Mr. Stoll, Ms. Prendergast, Matthew Barrett and Mr. Schlierf.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

Motion made by Mr. Carney, seconded by Mr. Schad to exit Executive Session at 11:04 a.m.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

XI. ADJOURNMENT

Motion by Mr. Carney seconded by Ms. LaGree carried that the meeting adjourn

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Carney

Noes: None

A handwritten signature in black ink, appearing to read 'T. D. McCracken', with a stylized flourish at the end.

Terrence D. McCracken
Secretary to the Authority

PF