

**MINUTES** of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 4<sup>th</sup> day of June 2020.

**PRESENT:** Jerome D. Schad, Chairman  
 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)  
 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:** Brian Gould (via teleconference)  
 Brendan Hoare (via teleconference)  
 Pat Quinn (via teleconference)  
 Len Sommers (via teleconference)

## **PLEDGE TO THE FLAG**

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

The meeting was called to order at 9:30 a.m. A quorum was present with three Commissioners.

### **II. READING OF MINUTES**

Motion by Mr. Carney seconded by Ms. LaGree and carried to read the Minutes of the Meeting held on Thursday, May 21, 2020.

### **DISCUSSION**

None

### **VOTE**

Ayes: Three; Commrs. Schad, 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, May 21, 2020.

#### **DISCUSSION**

None

#### **VOTE**

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

### **VI. REPORTS**

#### **A) SECRETARY**

##### **1. Amendment to Declaration of Emergency**

Secretary McCracken reported that there is a resolution on the meeting to amend the Declaration of Emergency. This amendment is to extend the emergency to June 30, 2020 and to exhaust the emergency credits by one day. Mr. McCracken also stated that there will be another amendment at the next meeting.

#### **B) LEGAL**

##### **1. Appointments to the Independent Ethics Panel**

Margaret Murphy informed the Board that due to Mr. Plunkett's resignation on the Independent Ethics Panel, Commissioner LaGree has nominated Raymond Herman to serve on the Panel for the upcoming year. Mr. Herman has accepted the position.

#### **C) FISCAL**

##### **1. 2020/2021 Insurance Renewals**

Karen Prendergast informed the Board that the Authority's insurance policies will expire July 1, 2020. At the May 21, 2020 meeting, the Board approved to extend the current Professional Service agreement with Lawley Services to broker new insurance contracts. Some of the larger policies the Authority is seeking to bind are general liability, automobile, property, cyber, public officials, umbrella, and workers compensation coverage. She noted that Pat Quinn from Lawley will speak about the process and the next steps going forward. Additionally, Ms. Prendergast remarked that at the May 28, 2019 meeting, the Board requested a one-year study on the potential benefits of terminating the Authority's relationship with the New York State Insurance Fund (NYSIF) and self-insuring our workers compensation claims. As a result of that study,

Ms. Prendergast does not recommend the Authority move to a self-insured environment at this time. She further explained her reasons. Chairman Schad inquired if we were managing our claims aggressively in terms of safety practices, and would like to make sure we continue to do so. Ms. Prendergast assured him that is being done. Vice Chairman Carney asked why such a difference in the premium cost. Karen Prendergast and Pat Quinn explained to Mr. Carney the reasons of such a high jump. Pat Quinn then gave an update on the process on rest of the policies. He commented that the biggest challenge is going to be the property insurance renewal. He told the Commissioners that Lawley is looking into different avenues such as alternative quotes and hopes to finalize in the next couple of weeks. Chairman Schad would like a report on the dollars at the next meeting.

## **D) OPERATIONS**

### **1. RFP Ball Pump Station Phase I Rehabilitation**

Leonard Kowalski reported that the Authority recently issued a Request for Proposal (RFP) for the design of a series of improvements related to the Ball Pump Station. RFPs were issued to five consulting engineers: Arcadis, GHD, Brown and Caldwell, Nussbaumer & Clarke, and Hazen & Sawyer as well as posted the RFP to the Water Authority Website. Four other firms, LaBella, Dubois & King, Foit Albert, and Barton & Loguidice obtained the RFP through our website. In the end, four firms, Arcadis, GHD, Brown and Caldwell and Hazen & Sawyer chose to submit proposals for this project. The proposals were reviewed and discussed among the engineering staff (Russ Stoll, Len Kowalski, Michael Wymer, and Michael Quinn). Experience, staffing, scope and project approach were considered. It was determined that the Engineering Department would like to move forward with negotiations with Arcadis to negotiate a Professional Services Contract for the referenced project. A resolution to enter into a contract with be on the agenda at the next Board meeting.

### **2. RFP Castle Hill Pump Station Replacement**

Leonard Kowalski reported that the Authority recently issued a Request for Proposal (RFP) for the design of the replacement of the Castle Hill Pump Station located in the Town of Aurora. RFPs were issued to five consulting engineers: Arcadis, GHD, Brown and Caldwell, Nussbaumer & Clarke, and Hazen & Sawyer as well as posted the RFP to the Water Authority Website. Four other firms, LaBella, Dubois & King, Foit Albert, and Barton & Loguidice obtained the RFP through our website. In the end, five firms, GHD, Dubois & King, Barton & Loguidice, Hazen & Sawyer and Labella chose to submit proposals for this project. The proposals were reviewed and discussed among the engineering staff (Russ Stoll, Len Kowalski, Michael Wymer, and Michael Quinn). Experience, staffing, scope and project approach were considered. It was determined that the Engineering Department would like to move forward with negotiations with LaBella to negotiate a Professional Services Contract for the referenced project. A resolution to enter into a contract with be on the agenda at the next Board meeting.

## **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 REQUEST FROM BRANDON KMIOTEK RE PROPERTIES NOT CURRENTLY RECEIVING SERVICE- RECEIVED AND FILED AND REFERRED TO SECRETARY FOR FOLLOW UP**

**C-2 FOIL REQUEST FROM PROPLOGIX RE UTILITY BILLING REQUEST FOR 32 OLD POST ROAD, LANCASTER, NY- RECEIVED AND FILED AND REFERRED TO SECRETARY FOR FOLLOW UP**

**C-3 SUMMONS AND COMPLAINT RE MARIA BURKE V. ECWA ET AL. - RECEIVED AND FILED AND REFERRED TO LEGAL FOR FOLLOW UP**

**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 - FINAL ACCEPTANCE OF PROJECT WITH DJM CONTRACTING, INC. FOR CONTRACT NO. NC-36, WATER SYSTEM IMPROVEMENTS IN THE TOWNS OF CHEEKTOWAGA AND CLARENCE, NEW YORK, PROJECT NO. 201700090, CONTRACT NO. 18-15-03 - \$91,280.06**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

**ITEM 3 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH ARCADIS OF NEW YORK, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES FOR STURGEON POINT WATER TREATMENT PLANT PIPING AND VALVE IMPROVEMENTS PROJECT, IDENTIFIED AS CONTRACT NO. MP-085, PROJECT NO. 202000166**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

**ITEM 4 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE FURNISHING AND DELIVERING OF DECANT PUMPS AND MIXERS, PROJECT NO. 202000155**

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

**DISCUSSION**

Commissioner LaGree asked if the project manual has been reviewed by Legal and the Risk Manager, in which Margaret Murphy replied it has been.

**VOTE**

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

**ITEM 5 - APPROVAL OF CHANGE ORDER NO. 4 OF FERGUSON ELECTRIC CONSTRUCTION CO., INC. FOR CONTRACT NO. NC-35, BALL PUMP STATION ELECTRICAL, PROJECT NO. 201600238, CONTRACT NO. 18-19-07**

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

**DISCUSSION**

Leonard Kowalski confirmed that this is a reduction in the overall cost.

**VOTE**

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

**ITEM 6 - APPROVAL OF AMENDMENT NO. 1 OF PROFESSIONAL SERVICES CONTRACT WITH CHA CONSULTING, INC. FOR CONTRACT NO. CH-011, REPLACEMENT PROJECT – LAKE SHORE ROAD (ROUTE 5) – NYSDOT BETTERMENT, PROJECT NO. 201900071 - \$8,700.00**

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

**DISCUSSION**

None

**VOTE**

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

**ITEM 7 - AUTHORIZATION TO GRANT LEAK ALLOWANCE REQUEST - \$1,553.03**

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 - APPOINTMENT OF AD HOC MEMBERS TO THE ERIE COUNTY WATER AUTHORITY, INDEPENDENT ETHICS PANEL**

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

**DISCUSSION**

Commissioners Schad and Carney welcomed the new members to the Ethics Panel and look forward to having them serve.

**VOTE**

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

**ITEM 9 - APPROVAL TO AMEND THE ERIE COUNTY WATER AUTHORITY'S DECLARATION OF EMERGENCY**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

**XI. ADJOURNMENT**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad and Carney

Noes: None

A handwritten signature in blue ink, appearing to read "T. McCracken", written over a faint horizontal line.

Terrence D. McCracken  
Secretary to the Authority

PF