

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 16th day of July 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 C. 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 9:30 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, July 2, 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, July 2, 2020.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

IV. REPORTS

A) SECRETARY

1. Hi-Tech Services Agreement
(Item 4 pp 11, 168)

Secretary McCracken informed the Board that there is a resolution on the Board agenda to enter into a professional services agreement with Hi-Tech Services to provide information technology consulting and support services. On May 6, 2019, a one-year extension to the current contract was granted which expires on July 31, 2020. Margaret Murphy has negotiated a new one-year professional services agreement with Hi-Tech. The Authority has revised the insurance requirements, increasing the Professional Liability Coverage to include Cyber/Privacy Coverage and raising the limits from \$1,000,000 to \$5,000,000.

B) LEGAL

1. Proposed Settlement for Richard & Kimberly Kaylor
(Claim No. 2018-056 Property Damage)
(Item 13 pp 29, 455)

General Counsel Margaret Murphy informed the Commissioners that there is a resolution on the Board agenda to settle a property claim submitted by Richard and Kimberly Kaylor in the amount of \$7,395.00. Because the amount of the claim is higher than \$5,000, it must be approved by the Board. Ms. Murphy explained the circumstances of the claim with a result that it was an ECWA crew that caused the damage to the property. Ms. Murphy believes this is a fair settlement and recommends settling.

2. Adjusting Hours for Part-time Attorneys
(Item 14 pp 32, 461)

General Counsel Margaret Murphy notified the Board that there is a resolution on the Board agenda requesting permission to adjust the part-time attorneys' hours of work until the end of

the fiscal year. Due to the executive order on March 17, 2020, the Authority had to reduce its workforce by 50%. That required many employees not be in the facility, including the legal department. As a result, the part-time attorneys will be able to meet their salary cap of \$49,400 a year. Ms. Murphy asked that she have the authority to allow, when needed, the part-time attorneys be granted more hours but no more than 19 hours per week and no more than 38 hours in a two-week period. Ms. Murphy will delegate the work to each part-time attorney in which they will only get paid for their actual time worked. Commissioner LaGree noted that the resolution should be amended to include that the resolution expires at the end of the fiscal year.

C) FISCAL

No Report

D) OPERATIONS

1. Industrial Scientific Gas Detention Agreement (Item 6 pp 34, 223)

Leonard Kowalski explained that the Authority uses Industrial Scientific Corporation (“ISC”), the vendor who owns, supplies and maintains gas detection equipment used at the Authority’s water treatment plants and in the field by the Authority’s work crews. Gas detection equipment is an invaluable tool used by our employees when entering confined spaces. The equipment protects our employees from being exposed to toxic gases. Treatment, Production, Meter Shop and Line Maintenance employees use the gas detection equipment when accessing confined spaces daily. The Authority implemented a protocol for the use and maintenance of gas detection equipment, which are wholly dependent upon equipment and services provided by Industrial Scientific Corporation. On February 13, 2020 the Board awarded Industrial Scientific Corporation a two-year contract for gas detection equipment and maintenance service subject to further approval by the Legal Department. The Legal Department later discovered there were issues with the bid. The Legal Department has been working with Industrial Scientific Corporation to resolve these issues. The Legal Department has drafted a proposed agreement to be presented to Industrial Scientific Corporation and has limited the agreement to one-year. The resolution approving Item 17 at the February 13, 2020 needs to be rescinded. Vice Chairman Carney stated that before the Board rescinds a prior resolution, a reason should have been given in the staff memo. Margaret Murphy stated the reason should not be discussed in an open session but could be given if the Board moved into executive session for a confidential conversation with its General Counsel pursuant to the attorney-client privilege exemption (Executive Law § 108 (3)).

Motion made by Mr. Carney, seconded by Ms. LaGree to go into Executive Session for a confidential conversation with its General Counsel pursuant to the attorney-client privilege exemption (Executive Law § 108 (3) at 9:51 a.m. Mr. Schad invited Mr. McCracken, Ms. Murphy, Mr. Stoll, Ms. Prendergast and Mr. Kowalski.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

Motion made by Mr. Carney, seconded by Ms. LaGree to exit Executive Session at 10:12 a.m.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

2. HVAC Amendment No. 2 Mollenberg-Betz, Inc.
(PN 201700097, Contract 17-11-07) (Item 11 pp 51, 443)

Leonard Kowalski reported to the Board that bids were opened on June 1, 2020 for the HVAC contract. The Engineering Department and Legal Department are both requesting that the current contract be extended in order to allow a new contract to be awarded and executed. The current contractor, Mollenberg Betz, has agreed to provide such emergency services, as a stop-gap measure pending the approval of a new HVAC contract. The need for these services is critical during the summer in order to address HVAC emergencies in a timely manner. This is a unit price contract, and the same prices will be utilized until the end of the contract extension. A brief discussion was held relative to the set up at the lab. Mr. Kowalski explained that there was an issue with the procurement process to get the material quickly enough, but he is hopeful to have the equipment installed within the next month.

E) HUMAN RESOURCES

No Report

F) AUDIT COMMITTEE

No Report

G) GOVERNANCE COMMITTEE

No Report

H) FINANCE COMMITTEE

No Report

D) 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.)

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.

Vice Chairman remarked that as a result of high volume in the dryness last week, the Authority experienced some breakage and thanked Mr. Catanzaro and his crews for acting quickly in repairing the leaks so the customers did not experience any real loss in water or pressure. Mr. Kowalski added that the Production department did a great job also and should be commended as well.

VII. UNFINISHED BUSINESS**VIII. 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 CMH COMPANY, INC. FOR CONTRACT NO. GP-007, WATER SYSTEM IMPROVEMENTS, VILLAGE OF DEPEW AND TOWN OF WEST SENECA, PROJECT NO. 201800080, IDENTIFIED AS CONTRACT NO. 19-16-04 - \$84,440.94

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 - FINAL ACCEPTANCE OF PROJECT WITH MARK CERRONE, INC. FOR STURGEON POINT WTP SLUDGE REMOVAL, DISPOSAL AND RELOCATION, PROJECT NO. 201900091, CONTRACT NO. 19-11-07 - \$24,084.41

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 ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH HI-TECH COMPUTER SYSTEMS, INC. AND RALPH L. GIAMBRA D/B/A HI-TECH SERVICES TO PROVIDE INFORMATION TECHNOLOGY CONSULTING AND SUPPORT SERVICES, CONTRACT NO. HTT07, PROJECT NO. 202000180

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 ENTER INTO A PREVENTATIVE MAINTENANCE SERVICE AGREEMENT WITH SIEMENS INDUSTRY, INC. TO PERFORM PREVENTATIVE MAINTENANCE CHECKS FOR SIEMENS VARIABLE FREQUENCY DRIVES, IDENTIFIED AS CONTRACT NO. ROB-008, PROJECT NO. 202000007

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 6 - AUTHORIZATION TO RESCIND ITEM NO. 17 OF THE MINUTES OF THE MEETING HELD ON FEBRUARY 13, 2020 RELATIVE TO THE AWARD OF CONTRACT TO INDUSTRIAL SCIENTIFIC CORPORATION AND AUTHORIZATION INTO ENTER INTO A REVISED, ONE-YEAR EQUIPMENT AND SERVICE AGREEMENT WITH INDUSTRIAL SCIENTIFIC CORPORATION FOR GAS DETECTION EQUIPMENT, PROJECT NO. 201900173

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

Motion by Mr. Carney, seconded by Ms. LaGree to amend item 6 to read authorization to rescind the contract contained in Item 17 of the Minutes of the Meeting held on February 13, 2020

Chairman Schad calls for a vote on the motion to amend.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

On the motion as amended,

Motion by Mr. Carney and seconded by Ms. LaGree to approve the amended Item No. 6

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 7 - AUTHORIZATION TO ACCEPT PROPOSAL OF PLEASANT DEVELOPMENT, LLC AND RUSSO DEVELOPMENT, INC. FOR THE CONSTRUCTION AND INSTALLATION OF APPROXIMATELY 940 LF OF EIGHT (8") INCH PVC WATERMAIN, 250 LF OF EIGHT (8") INCH DIP WATERMAIN, TWO (2) HYDRANTS, FOUR (4) LINE VALVES AND APPURTENANCES IN PLEASANT CREEK SUBDIVISION, PHASE III, TOWN OF HAMBURG, NEW YORK, PROJECT NO. 202000050, EC NO. 7120

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 - AUTHORIZATION TO ACCEPT PROPOSAL OF CIMATO BROS. CONSTRUCTION, INC. FOR THE CONSTRUCTION AND INSTALLATION OF APPROXIMATELY 1,430 LF OF EIGHT (8") INCH PVC WATERMAIN, THREE (3) HYDRANTS, FOUR (4) LINE VALVES AND APPURTENANCES IN NORTHWOODS SUBDIVISION PHASE A, TOWN OF CLARENCE, NEW YORK, PROJECT NO. 202000173, EC NO. 7128

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 - AWARD OF CONTRACT TO BISON LABORATORIES, INC. FOR THE FURNISHING AND DELIVERING OF SODIUM HYPOCHLORITE TO THE ERIE COUNTY WATER AUTHORITY FOR USE IN THE BOOSTER STATIONS FOR TWO YEARS FROM JULY 16, 2020 TO JULY 15, 2022, PROJECT NO. 202000008 - \$20,400.00

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 10 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR WINDOM PUMPING STATION OVERHEAD CRANE – HOIST UPGRADE, PROJECT NO. 202000048

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 11 - AUTHORIZATION TO EXECUTE AMENDMENT NO. 2 WITH MOLLENBERG-BETZ, INC. TO PROVIDE THE ERIE COUNTY WATER AUTHORITY WITH HEATING, VENTILATING AND AIR CONDITIONING SERVICE AND PREVENTATIVE MAINTENANCE WORK, PROJECT NO. 201700097, IDENTIFIED AS CONTRACT NO. 17-11-07

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 - AUTHORIZATION TO GRANT LEAK ALLOWANCE REQUESTS -
\$17,431.99**

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 - AUTHORIZATION TO SETTLE PROPERTY CLAIM SUBMITTED BY
RICHARD AND KIMBERLY KAYLOR**

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 - AUTHORIZATION TO RESCIND ITEM NO. 20 OF THE MINUTES OF
THE MEETING HELD ON DECEMBER 30, 2010 RELATIVE TO
AMENDING THE AUTHORITY'S CAREER AND SALARY PLAN FOR BI-
WEEKLY PART-TIME ATTORNEYS NOT ELIGIBLE FOR MEMBERSHIP
IN A COLLECTIVE BARGAINING UNIT**

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

Motion by Mr. Carney, seconded by Ms. LaGree to amend item 14 to include the authority will automatically end December 31, 2020

Chairman Schad calls for a vote on the motion to amend.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

On the motion as amended,

Motion by Mr. Carney and seconded by Ms. LaGree to approve the amended Item No. 14

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

Motion by Mr. Carney and seconded by Ms. LaGree to return to Item 6 to amend the motion to amend Item 6

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

Motion by Mr. Carney and seconded by Ms. LaGree to amend the motion to amend Item 6 to authorize rescinding the vote on Item 17 of the Minutes of the Meeting held on February 13, 2020 as stated in the written agenda

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

IX. ADJOURNMENT

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

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