

**MINUTES** of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 18<sup>th</sup> day of July 2019.

**PRESENT:** Jerome D. Schad, Chairman  
Mark S. Carney, Vice Chairman  
E. Thomas J. Jones, Jr., Treasurer  
Terrence D. McCracken, Secretary to the Authority  
Karen A. Prendergast, Chief Financial Officer  
Margaret A. Murphy, Attorney  
Leonard F. Kowalski, Sr. Distribution Engineer  
Lavonya C. Lester, Director of Administration  
Sabrina A. Figler, Director of Water Quality  
Joyce A. Tomaka, Comptroller  
Jacqueline Mattina, Associate Attorney  
Matthew W. Barrett, Security Officer  
Richard J. Deren, Network Specialist  
Steven V. D'Amico, Business Office Manager

**ATTENDEES:** Brian Gould

**CALL TO ORDER AT 9:30 a.m.**

**PLEDGE TO THE FLAG**

**I. ROLL CALL**

**II. READING OF MINUTES**

Motion by Mr. Carney seconded by Mr. Jones and carried to waive the reading of the Minutes of the Meeting held on Thursday, June 27, 2019.

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

### III. APPROVAL OF MINUTES

#### DISCUSSION

Commissioner Carney would like to amend the Minutes of the Meeting held on Thursday, June 27, 2019 to reflect Jeffrey Schlierf's title under "Present" as Acting Manager of Information Technology.

Motion by Mr. Carney seconded by Mr. Jones and carried to approve the Minutes of the Meeting held on Thursday, June 27, 2019, as amended.

#### VOTE

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

### I. REPORTS

#### A) SECRETARY

##### 1. Executive Session

Discussion relating to the appointment of a person to the position of executive director pursuant to Public Officers Law § 105(1)(f) (matters relating to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person)

##### 2. Executive Session

Discussion relating to personnel matters of a particular person(s) pursuant to Public Officers Law § 105(1)(f) (matters relating to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person)

The Chair requested that the executive sessions be deferred until the end of the meeting, separating the two executive sessions.

##### 3. Replacement of Phone System & Call Recording

Secretary McCracken distributed a memo relative to the replacement of the Authority's phone system and call recording ECWA wide in Jeffrey Schlierf's absence. He informed the Board that our AVAYA telephone and recording systems are outdated and need to be replaced. Mr. Schlierf recommended, in his memo, entering into a State Contract with FirstLight to replace these systems. Chairman Schad asked if the AS/400 software system is associated with the phone system. Karen Prendergast replied that it is separate. Chairman Schad remarked that the memo doesn't mention enhancements to the phone system - just improvements. Karen Prendergast noted that she would like the Business Office and herself to be involved in the process to make sure that the necessary

equipment is being purchased. She added that this will provide additional improvements and mobility for going to voice over internet, so there are some advancements in this as well as just fixing problems. Chairman Schad asked if staff could investigate if it is feasible and meaningful to have a video conference screen on each phone internally.

## **A) LEGAL**

### **1. ECWA Compliance with ABO Recommendations**

Margaret Murphy remarked that a year ago the Authority provided a progress report to the Erie County Legislature on the efforts being taken to implement the recommendations of the Authorities Budget Office. Ms. Murphy commended the Board as they now have fulfilled each of their commitments as to what was recommended. She mentioned that the Authority's lobbying firm asked for this report for their use and information. Ms. Margaret commended Shari Zajdel on her work in preparing this memo. Commissioner Jones asked why the hiring policy amendment was not mentioned. Ms. Murphy replied that she did not include it because it was not one of the ABO's recommendations. After discussion, it was agreed that Ms. Murphy would amend her report to include the amended hiring policy. Karen Prendergast added that she would like to make one modification to the memo relative to the PARIS filing of the annual budget clarifying that the regulations require that the filing be submitted by November 1st and not during the month of November. It was then agreed that Ms. Murphy would revise the memo, recirculate it to the Commissioner then post the new memo on the website.

### **2. RFI: Cell Tower Lease Consultant**

Jacqueline Mattina reported to the Board that Request for Information (RFI) was sent to ten firms for cell tower lease consulting firms for professional services relating to cell tower leasing valuation, review of existing leases and other related services. Of the ten firms, only two replied: BSP and Tectonic Engineering. Jacqueline Mattina, Susan Rinaldo and Lavonya Lester reviewed the RFIs. Experience, staffing, scope, fee structure and project approach were considered. Ms. Mattina noted that Tectonic has previously represented cell companies. The committee recommends entering into negotiations with BSP for the project. Chairman Schad remarked that he does not feel comfortable retaining a firm that has loyalties to the companies the Authority would be dealing with. The Commissioners agreed to negotiate a contract with BSP, and Ms. Mattina will come back to the Board after negotiations are completed.

## **C) FISCAL**

### **1. June 2019 Investment Report**

Karen Prendergast distributed the June 2019 Investment Report along with a brief explanation of the report.

## 2. Monthly Finance Report – June 2019

Steven D’Amico distributed the June 2019 Monthly Financial report. This report includes operating revenue, investment income, operating expense and net income.

### **D) OPERATIONS**

#### 1. 2019 Lead and Copper Study Update

Figler

Sabrina Figler presented an update on the lead and copper study. Twenty-five homes have been found with lead services lines, which is the minimum required by the EPA. We have collected and submitted a total of 46 samples of homes with copper with lead solder, and we’ve collected 20 of the 25 homes with lead service lines. From the results that came in, we are not in exceedance. Ms. Figler noted that she will be sending out letters to all the homes to let them know what their results were. She also mentioned that the health department has recognized our efforts and commented on how impressed they were with the level of effort we put into this study compared to other utilities. The five homes should be finished by the beginning of September. Chairman Schad asked if the copper lines with lead solder are complete, which they are. Chairman Schad remarked on the great job in finding the people and getting this done.

#### 2. 2<sup>nd</sup> Quarter Water Quality Testing

Figler

Sabrina Figler distributed a memo regarding the second quarter water quality testing. As an operator of a public water system the Authority is required under the Safe Water Drinking Act to monitor and test its public water supply on a quarterly basis. The Authority collects water samples from various locations within the Authority service area and then submits these samples to an independent laboratory certified to perform these tests in conformity with EPA standards. In New York, the Environmental Laboratory Approval Program (ELAP), a unit within the State Department of Health is responsible for certifying such laboratories. The Authority is currently using Microbac Laboratory, an ELAP-approved laboratory to process the samples. After submitting the second quarter samples, Ms. Figler was contacted by Microbac numerous times requesting additional samples due to laboratory failure. Because of this, it led to possible reporting and monitoring violations. Ms. Figler is waiting to hear back from the local health department regarding a violation. She submitted an official complaint as suggested by the local Health Department to ELAP regarding what had happened. It was decided that for our own purposes and public record to sample those sites that needed to be redone. These samples were subsequently submitted to the Erie County Public Health lab. The Authority will no longer use the services of Microbac. Purchase orders are being generated to complete third and fourth quarter sampling with the Erie County Public Health lab. Chairman Schad remarked that we need to find a way to solve this problem. Margaret Murphy noted that after discussion with Karen Prendergast it was determined that the Erie County public lab is a sole source because they're not private – they're public. They have public accountability through the Erie County Department of Health. Jen Delaney from the ECDOH is welcoming any input we can give them but we're

hoping to show that this is not our failure, and therefore under EPA and state regulations this should not be viewed as a violation on our part. Margaret added that it will have to be noted in the water quality report. Ms. Figler added that the Authority has worked with the Erie County public lab, and they are consistently dependable. Vice Chairman Carney confirmed that the even though we do not have the results back, the Authority has nothing which would indicate the water is not safe. This is simply a matter of a lab not being able to accommodate us either in time or performance. Commissioner Jones asked if there is a reason we don't use the public lab? Ms. Prendergast replied that the Authority will be using the lab moving forward. Ms. Figler stated that when this was previously put out to bid sometimes the Erie County Public Health lab was more expensive for various parameters so that's why they didn't always win the bid.

#### **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

### **V. COMMUNICATIONS AND BILLS**

**C-1 FOIL FROM THEODORA AUWAE REGARDING RESIDENTIAL SHUT OFFS - RECEIVED AND FILED AND REFERRED TO LEGAL FOR FOLLOW UP**

**C-2 FOIL FROM ANNOISE JENNINGS REGARDING LIST OF PROPERTIES - RECEIVED AND FILED AND REFERRED TO LEGAL FOR FOLLOW UP**

**C-3 NOC JAMIE DEWATERS - RECEIVED AND FILED AND REFERRED TO LEGAL FOR FOLLOW UP**

**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**

**T-18** Authorization to Extend the Agreement with CalAmp (Item No. 15 6/27/19)

**Discussion**

Lavonya Lester informed the Board that she would like to keep this on the table. She explained that she is currently looking at another vendor that can possibly provide some services including possible cameras inside the vehicles. A meeting is scheduled for August the 8th to meet and obtain more information. It was agreed to leave it on the table.

**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 Mr. Jones and carried

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 2 - AUTHORIZATION TO ENTER INTO MEMORANDUM OF UNDERSTANDING WITH THE VILLAGE OF HAMBURG, PROJECT NO. 201500037**

Motion by Mr. Carney and seconded by Mr. Jones and carried

**DISCUSSION**

Chairman Schad commended the staff who worked on this.

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 3 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE FURNISHING AND DELIVERING OF FLUOROSILICIC ACID TO THE ERIE COUNTY WATER AUTHORITY FOR USE IN THE TREATMENT OF WATER FOR TWO YEARS FROM NOVEMBER 1, 2019 THROUGH OCTOBER 31, 2021, PROJECT NO. 201900154**

Motion by Mr. Carney and seconded by Mr. Jones and carried

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 4 - AUTHORIZATION TO REJECT BIDS AND RE-ADVERTISE FOR THE FURNISHING AND DELIVERING OF ONE NEW AND UNUSED ENCLOSED TRAILER (ECWA V712) WITH STANDARD WARRANTY, PROJECT NO. 201900102**

Motion by Mr. Carney and seconded by Mr. Jones and carried

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 5 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR CONTRACT NO. W-031, BALL NORTH STORAGE TANK REPLACEMENT, PROJECT NO. 201800139**

Motion by Mr. Carney and seconded by Mr. Jones and carried

**DISCUSSION**

Chairman Schad ask Len Kowalski when will the construction commence. Mr. Kowalski replied it would start in spring of 2020. It would follow the construction project of the new electrical substation of NC-35 which should be wrapping up in January of 2020.

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 6 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE FURNISHING AND DELIVERING OF ONE PRE-CAST CONCRETE BUILDING FOR PINE HILL PUMP STATION, TOWN OF CHEEKTOWAGA, PROJECT NO. 201900128**

Motion by Mr. Carney and seconded by Mr. Jones and carried

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 7 - APPROVAL OF WORK CHANGE DIRECTIVE NO. 1 OF E & R GENERAL CONSTRUCTION, INC. FOR CONTRACT NO. WSA-013, WATER SYSTEM IMPROVEMENTS, LARGE VALVE REPLACEMENTS, CITY OF LACKAWANNA AND TOWNS OF ALDEN, AMHERST, CHEEKTOWAGA, HAMBURG AND WEST SENECA, WSA-013, PROJECT NO. 201800081, IDENTIFIED AS CONTRACT NO. 19-04-03**

Motion by Mr. Carney and seconded by Mr. Jones and carried

**DISCUSSION**

Len Kowalski informed Commissioner Jones that the Work Change Directive was a precursor to a change order or a preliminary change order. He explained there wasn't enough time to go through the overall budget to decide on the time and the cost of the project so basically the work change directive allows the Authority to move forward with the work allowing the contractor to start the work and then we would negotiate the time extension and cost of the work as we move forward. Chairman Schad added that he is in favor of this as he is familiar with the site, and the problem is too big to not take action. Margaret Murphy noted that this is set forth in the contract. Commissioner Jones noted that we're making a finding that this is within the scope of the contract we already have with a vendor that was supposed to do other work. Mr. Kowalski explained that this work is in close proximity to a part of the project where E&R was changing a valve on the southern side of Main Street. Right now, there's approximately 200 feet of pipe that is going to be replaced underneath this work change directive which will turn into a change order in order to allow them to continue with their project. With this transmission main being out of commission, work cannot continue the valve replacement and is also delaying the replacement of several other valves in that contract. Vice Chairman Carney memorialized that we had a project that we had already approved and in the process of that project additional work was discovered that had to be done, which was then



unknown. We are now ongoing so that this contractor can complete the first project. It is work that would have had to been finished at some point, and as soon as there is a positive number Mr. Kowalski will report that back. However, in the meantime, we want to keep the project moving. Mr. Kowalski confirmed that is correct.

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 8 - APPROVAL OF ADDENDUM NO. 1 OF INGENIOUS, INC. FOR WEBSITE DESIGN AND DEVELOPMENT - \$6,758.00**

Motion by Mr. Carney and seconded by Mr. Jones and carried

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 9 - AUTHORIZATION TO GRANT A ONE-TIME COURTESY REVERSAL OF DELINQUENT CHARGES FOR THE TOWN OF CLARENCE (ACCOUNT #60537559-7) - \$581.19**

Motion by Mr. Carney and seconded by Mr. Jones and carried

**DISCUSSION**

Commissioner Jones asked if this means that the Town of Clarence was delinquent in paying. Karen Prendergast said that is correct. He also asked if there was an explanation which there was not.

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 10 - CREATION OF FOUR (4) POSITIONS OF PUMP MECHANIC**

Motion by Mr. Carney and seconded by Mr. Schad and carried

**DISCUSSION**

Commissioner Jones asked if this is needed because the lack of Pump Mechanics. Mr. McCracken replied that is right.

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**ITEM 11 - DAVID JUDA – LEAVE OF ABSENCE**

Motion by Mr. Carney and seconded by Mr. Jones and carried

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

Motion made by Mr. Carney, seconded by Mr. Jones to go into Executive Session for the discussion relating to the appointment of a person to the position of executive director pursuant to Public Officers Law § 105(1)(f) (matters relating to the appointment, employment or promotion of a particular person) at 10:16 a.m. Mr. Schad invited Mr. McCracken, Ms. Murphy and Ms. Prendergast.

Motion made by Mr. Carney, seconded by Mr. Jones to leave Executive Session at 11:00 a.m.

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

Motion made by Mr. Carney, seconded by Mr. Jones to go into Executive Session for the discussion relating to personnel matters of a particular person(s) pursuant to Public Officers Law § 105(1)(f) (matters relating to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person) at 11:01 a.m. Mr. Schad invited Mr. McCracken, Ms. Murphy and Ms. Prendergast.

Motion made by Mr. Carney, seconded by Mr. Jones to leave Executive Session at 11:17 a.m.

**DISCUSSION**

Chairman Schad noted that a good discussion was held regarding personnel matters.

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

**IX. ADJOURNMENT**

Motion by Mr. Carney seconded by Mr. Jones carried that the meeting adjourn

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, Carney and Jones

Noes: None

A handwritten signature in black ink, appearing to read "T. D. McCracken", written in a cursive style.

Terrence D. McCracken  
Secretary to the Authority

PF