

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 July 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
Joyce A. Tomaka, Comptroller
Lavonya C. Lester, Director of Administration (via teleconference)
David W. Aubertine, Director of Cybersecurity and Information Technology
Sabrina A. Figler, Director of Water Quality
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 9:30 a.m. A quorum was present with three Commissioners.

II. READING OF MINUTES

Motion by Ms. LaGree seconded by Ms. Iannello and carried to read the Minutes of the Meeting held on Thursday, June 16, 2022.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

III. APPROVAL OF MINUTES

Motion by Ms. LaGree seconded by Ms. Iannello and carried to approve the Minutes of the Meeting held on Thursday, June 16, 2022.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

IV. REPORTS

A. SECRETARY

1. Executive Session

Discussion relating to personnel matters of a particular person 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)

This matter was deferred to the end of the meeting.

B. LEGAL

1. Executive Session

Discussion of a matter made confidential by federal or state law (i.e. the attorney-client and deliberative process privileges) pursuant to Public Officers Law § 108(2)

This matter was deferred to the end of the meeting.

C. FISCAL

1. Insurance Renewals

Karen Prendergast informed the Board that all our new insurance, effective July 1, 2022, has been bonded. There are a couple changes from the presentation in June: the deductible on the property insurance was raised, saving the Authority \$29,000, and Lawley was able to secure \$15 million in cyber insurance. Total insurance costs increased about 12%. Ms. Prendergast added that she is looking into the training that Lawley has provided in the past.

2. Financial Advisory Services

Karen Prendergast reported that an RFP was recently issued for financial advisory services. Three proposals were submitted. After reviewing the proposals Ms. Prendergast recommends retaining Capital Markets. She noted that Capital Markets have been our advisors since 2012 and is pleased with their services. A resolution is on the agenda to enter into an agreement with Capital Markets for financial advisory services. Commissioner LaGree asked if there is a change in fees, in which CFO Prendergast replied there is not.

3. 2023 Budget Schedule

Karen Prendergast distributed a proposed budget schedule and asked the Commissioners to review and let her know if the dates need to be changed.

4. May 2022 Investment Report

Karen Prendergast distributed the May 2022 Investment Report along with a brief explanation of the report.

5. May 2022 Financial Report

Joyce Tomaka distributed the May 2022 Monthly Financial report which includes operating revenue, investment income, operating expense and net income, and briefly reviewed the data.

D. OPERATIONS

1. Contracts for Advertisements

Leonard Kowalski informed the Commissioners that since the last meeting three contracts that were advertised: Variable Frequency Drives, Sodium Hypochloride and CH-014. There was one RFP issued for the William Street Pump Station Drainage. Commissioner Schad asked how bad the delays are relative to the variable frequency drives. Mr. Kowalski answered that typically on a major electrical equipment it is 5 to six months, if not more.

D. HUMAN RESOURCES

E. AUDIT COMMITTEE

F. GOVERNANCE COMMITTEE

G. FINANCE COMMITTEE

H. ETHICS COMMITTEE

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.)

C-1 NOC: NATIONAL FUEL DISTRIBUTION CORPORATION V. ECWA - RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP

C-2 FOIL FROM DOLCE PANEPINTO REGARDING DOCUMENTS FROM A WATERMAIN BREAK IN THE TOWN OF HANOVER - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP

C-3 FOIL FROM SCHNITTER CICCARELLI MILLS PLLC FOIL RELATING TO WORK PERFORMED ON STORM DRAINS AT PROPERTY LOCATED AT 15-37 WILLOW RIDGE DRIVE, AMHERST, NEW YORK, FROM 2014 TO THE PRESENT TIME - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP

C-4 RICHARD SEIFER, METER SERVICE WORKER RETIREMENT

Commissioners thanked Mr. Seifer for his hard work.

C-5 PENELOPE POREBSKI, EMPLOYEE BENEFITS SPECIALIST RETIREMENT

Commissioners thanked Ms. Porebski for her service.

VI. 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. No one appeared to speak.

VII. UNFINISHED BUSINESS

VIII. NEW BUSINESS

ITEM 1 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH CAPITAL MARKETS ADVISORS, LLC TO PROVIDE PROFESSIONAL FINANCIAL ADVISORY SERVICES, PROJECT NO. 202200071

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 - AUTHORIZATION TO ENTER INTO A CASH MANAGEMENT SERVICE AGREEMENT WITH KEY BANK TO PROVIDE CASH MANAGEMENT SERVICES

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

DISCUSSION

On the question, Commissioner LaGree asked if anything in the agreement is changing. Ms. Prendergast replied that their fees are updated.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 3 - AUTHORIZATION TO EXECUTE A REVOCABLE PERMIT FOR NON-COMMERCIAL USE OF UNIVERSITY FACILITIES WITH THE STATE UNIVERSITY OF NEW YORK AT BUFFALO RELATING TO CONTRACT NO. MP-086, BALL PUMPING STATION IMPROVEMENTS, PROJECT NO. 202000177

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 - AUTHORIZATION TO EXECUTE A SERVICE CONTRACT WITH SPECTRUM ENTERPRISE RELATIVE TO INTERNET SERVICES, STATE CONTRACT NO. PS68706

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 5 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH BROWN AND CALDWELL ASSOCIATES RELATING TO CONSULTING ENGINEERING SERVICES FOR WATER DISTRIBUTION SYSTEM HYDRAULIC MODEL, PROJECT NO. 202200159 (CCII)

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

DISCUSSION

On the question, Commissioner LaGree asked if it will be done in six months after the contract is fully executed. Mr. Kowalski replied he believes it will be eight months as there is a lot of field testing that the Authority must complete, and weather is also a factor. Mr. Kowalski further explained to the Commissioners that once the Authority has the model in its possession, it will be the full-blown design from the creation of the model all the way through the calibration process, and if anything needs to be tweaked it will be part of the initial design. Mr. Schad also inquired if this modeling will give us any greater capacity to identify leaks that are in particular parts of the system. The Executive Engineer answered that it will help give us a general idea of how things should be functioning in certain areas.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 6 - AUTHORIZATION TO ACCEPT THE CONSTRUCTION AND INSTALLATION OF 1,135 LINEAR FEET OF EIGHT (8") INCH C-900 PVC WATERMAIN, 80 LINEAR FEET OF EIGHT (8") INCH DIP WATERMAIN, THREE (3) HYDRANTS, FOUR (4) VALVES AND APPURTENANCES IN NORTHWOODS SUBDIVISION, PHASE 4B, TOWN OF CLARENCE, NEW YORK, PROJECT NO. 202100062, EC NO. 7173

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 - AWARD OF CONTRACT TO KANDEY COMPANY, INC. FOR CONTRACT NO. BC-003, 48- AND 42-INCH TRANSMISSION MAIN CONDITION ASSESSMENT AND TRANSIENT ANALYSIS, CONDITION ASSESSMENT INSERTION AND EXTRACTION LOCATIONS AND ASSEMBLIES, PROJECT NO. 202100221 - \$656,600.00

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 8 - AWARD OF CONTRACTS FOR WATERMAIN MATERIALS PURCHASE CONTRACT, PROJECT NO. 202200120

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

DISCUSSION

On the question, Commissioner LaGree asked how these costs compare to what was budgeted. Mr. Kowalski replied that he looked at a couple of commonly used items, and they all seemed to have increased. The contract is for six months because the vendors don't want to bid anything beyond that.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 9 - AWARD OF CONTRACT TO CONCRETE APPLIED TECHNOLOGIES CORP. D/B/A CATCO FOR CONTRACT NO. MP-084, WATER SYSTEM IMPROVEMENTS, TRANSMISSION MAIN INSTALLATION, TOWN OF TONAWANDA, NEW YORK, PROJECT NO. 202000084 - \$5,298,750.00

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

DISCUSSION

On the question, Commissioner Iannello asked if the Authority has used Concrete Applied Technologies Corp. in the past. Mr. Kowalski replied that they did a similar transmission main project about a year ago.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 10 - AWARD OF CONTRACT TO AMERICAN CONTRACTING & ENVIRONMENTAL SERVICES, INC. FOR CONTRACT NO. NC-043, NEW PUMP STATION AT THE NEWSTEAD WATER STORAGE TANK, PROJECT NO. 202100048 - \$1,695,000.00

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

DISCUSSION

On the question, Commissioner LaGree inquired about the status of the final WMBE Utilization Plan in which Mr. Kowalski informed her that all the paperwork was finalized, and the Director of Administration approved same.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 11 - AWARD OF CONTRACT TO BISON LABORATORIES, INC. FOR THE FURNISHING OF SODIUM HYPOCHLORITE TO THE ERIE COUNTY WATER AUTHORITY FOR USE IN THE BOOSTER STATIONS, PROJECT NO. 202200139 - \$20,625.00

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 12 - 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 13 - APPROVAL OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH CHA CONSULTING, INC. RELATING TO CONTRACT NO. CH-012, WATER SYSTEM IMPROVEMENTS PROJECT, TOWN OF CHEEKTOWAGA, PROJECT NO. 201900074

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 14 - RATIFICATION OF THE INSTALLATION OF HYDRANTS AND VALVES AND RETIREMENT OF EXISTING HYDRANTS AND VALVES - VARIOUS LOCATIONS

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

DISCUSSION

On the question, Commissioner Iannello asked Mr. Kowalski what the life span of a hydrant is in which he replied 75-80 years.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 15 - 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

Motion made by Ms. LaGree, seconded by Ms. Iannello to go into Executive Session to discuss personnel matters of a particular person 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) and discussion of a matter made confidential by federal or state law (i.e. the attorney-client and deliberative process privileges) pursuant to Public Officers Law §108(2) at 9:56 a.m. Mr. Schad invited Terrence McCracken, Russell Stoll, Karen Prendergast, Leonard Kowalski and Mark Carney.

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 10:25 a.m.

DISCUSSION

Chairman Schad noted that a productive discussion was held, and instructions have been given to the appropriate staff.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

IX. ADJOURNMENT

Motion by Ms. LaGree seconded by Ms. Iannello carried that the meeting adjourned at 10:25 a.m.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None



Terrence D. McCracken
Secretary to the Authority

PG