

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 8th day of July 2021.

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
Russell J. Stoll, Chief Operating Officer
Mark S. Carney, General Counsel
Margaret A. Murphy, Sr. Associate Attorney (via teleconference)
Daniel J. NeMoyer, Director of Human Resources
Joyce A. Tomaka, Comptroller (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)

ATTENDEES:

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 waive the reading of the Minutes of the Meeting held on Thursday, June 24, 2021.

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 24, 2021.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

IV. REPORTS**A) SECRETARY**

1. Vacation Time for New Employee

Secretary McCracken informed the Board that on today's agenda is a resolution granting Mr. John Weider two week's vacation for one time only. He is the Authority's new Sr. Systems Engineer which is part of our restructure of the IT department. Mr. Weider has 25 year's experience – many of these years working at the Authority.

2. 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 until the end of the meeting.

B) LEGAL**C) FISCAL**

1. Insurance Package

Karen Prendergast distributed the final insurance package prepared by Lawley Insurance. As reported at the last meeting of June 24, 2021, we were still looking for cybersecurity insurance. Lawley was successful in getting us \$5 million more, so now we will have \$15 million in coverage for cybersecurity. She noted that is the material change to the package. Ms. Prendergast informed Chairman Schad that everything is bound.

2. Bond Counsel for WIFIA Loan

Karen Prendergast stated that the Authority has applied for a low-cost loan through EPA through their WIFIA program. She noted that the Authority now needs bond counsel to review and prepare a supplemental resolution for issuance of a bond that will secure the loan. On today's agenda there is a resolution entering into an Engagement Letter with Harris Beach. Harris Beach has had a lot of very recent experience in dealing with the EFC lending, very similar to the WIFIA lending.

D) OPERATIONS**E) HUMAN RESOURCES****1. Executive Session**

Discussion relating to collective negotiations pursuant to article fourteen of the Civil Service Law pursuant to Public Officers Law §105(1)(e)

This matter was deferred until the end of the meeting.

F) AUDIT COMMITTEE**G) GOVERNANCE COMMITTEE****H) FINANCE COMMITTEE****I) 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 FOIL FROM DOMINIC RE ELECTRIC AND NATURAL GAS AND DEMAND RESPONSE RFPS – RECEIVE AND FILE AND REFER TO THE SECRETARY FOR FOLLOW UP

C-2 NOC – JACKSON VS. ECWA – RECEIVE AND FILE AND REFER TO LEGAL THE SECRETARY FOR FOLLOW UP

C-3 NOC – RYBARCZYK VS. ECWA – RECEIVE AND FILE AND REFER TO THE SECRETARY FOR FOLLOW UP

C-4 NOC – GAULOCHER VS. ECWA – RECEIVE AND FILE AND REFER TO THE SECRETARY FOR FOLLOW UP

C-5 EMAIL FROM AMY HAMMELL RE BACK CREEK ROAD WATER ACCESS – RECEIVE AND FILE AND REFER TO THE SECRETARY FOR FOLLOW UP

Chairman Schad asked Mr. Stoll if this is the Town's issue, and he replied yes.

VI. PERSONS ADDRESSING THE AUTHORITY

The Commissioners will hear the concerns of persons desiring to address the Commissioners on any Water Authority subject

VII. UNFINISHED BUSINESS

VIII. NEW BUSINESS

ITEM 1 - MASTER PURCHASE ORDERS, RELEASES FROM MASTER PURCHASE ORDERS, PURCHASE ORDERS, AND AMENDMENTS OF SAME

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 - FINAL ACCEPTANCE OF PROJECT WITH LEDGE CREEK DEVELOPMENT, INC. FOR AREA NO. 2 RESTORATION, APRIL 1, 2018 THROUGH MARCH 31, 2020, PROJECT NO. 201800009, CONTRACT NO. 18-14-03- \$90,021.53

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 3 - FINAL ACCEPTANCE OF PROJECT WITH OF KANDEY COMPANY, INC. FOR LARGE SERVICES CONTRACT, FEBRUARY 1, 2019 THROUGH JANUARY 31, 2021, PROJECT NO. 201900005, IDENTIFIED AS CONTRACT NO. 19-02-01 - \$151,892.21

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 ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH ARCADIS OF NEW YORK, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES FOR STURGEON POINT WATER TREATMENT PLANT AND VAN DE WATER TREATMENT PLANT RAW WATER INTAKE IMPROVEMENTS, IDENTIFIED AS CONTRACT NO. MP-089, PROJECT NO. 202100172

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 COOPERATIVE AGREEMENT WITH THE TOWN OF BOSTON IN CONNECTION WITH STORAGE TANK REFURBISHING, CRESTWOOD, WOHLHUETER AND RICE HILL TANKS IN THE TOWN OF BOSTON, NEW YORK, PROJECT NO. 199300453

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 6 - AUTHORIZATION TO ENTER INTO A MASTER SERVICES AGREEMENT WITH EVERBRIDGE, INC. FOR A MASS NOTIFICATION SERVICE, PROJECT NO. 201800264

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

DISCUSSION

Commissioner LaGree had some questions relative to the timeframe of the new contract with Everbridge and the contract that will be awarded as a result of the RFP. Staff clarified these questions for her. Chairman Schad asked General Counsel to look into including the standard language of 30-day notice to terminate in the IT contracts similar to the construction contracts. General Counsel requested that before the Authority enters into the contract have IT look into their cyber insurance since sometimes these mass systems are how they hack into it our system.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 7 - 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

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 8 - AUTHORIZATION FOR ADDITIONAL VACATION TIME FOR NEW SENIOR SYSTEMS ENGINEER

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 9 - AUTHORIZATION TO EXECUTE AN ENGAGEMENT LETTER WITH HARRIS BEACH PLLC TO PROVIDE BOND COUNSEL SERVICES IN CONNECTION WITH THE FINANCING OF CERTAIN IMPROVEMENTS TO THE AUTHORITY'S FACILITIES THROUGH THE WATER INFRASTRUCTURE FINANCE AND INNOVATION ACT PROGRAM ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

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 collective negotiations pursuant to article fourteen of the Civil Service Law pursuant to Public Officers Law §105(1)(e) and for the discussion of 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) at 9:47 a.m. Mr. Schad invited Mr. McCracken, Ms. Prendergast, Mr. Stoll, Mr. Kowalski and Mr. NeMoyer.

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 10:52 a.m.

DISCUSSION

Chairman Schad noted that a productive discussion was held, and direction was given to administrative staff to follow up.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ADJOURNMENT

Motion by Ms. LaGree seconded by Ms. Iannello carried that the meeting adjourn at 10:52 a.m.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None



Terrence D. McCracken
Secretary to the Authority

PF