

**MINUTES** of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 13<sup>th</sup> day of August 2020.

**PRESENT:** **Jerome D. Schad, Chairman (via videoconference)**  
**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)**  
**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)**  
**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 30, 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 30, 2020.

#### **DISCUSSION**

None

#### **VOTE**

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

### **IV. REPORTS**

#### **A) SECRETARY**

No Report

#### **B) LEGAL**

##### **1. Notice of Claim and Settlement Agreement**

Margaret Murphy reported that on the agenda there is a resolution authorizing execution of a claim settlement and release agreement between ECWA and 716 Contracting, Inc. regarding the break on Cayuga Road in 2019. An Authority crew and Russo Development, Inc. made the emergency repairs. After the Engineering and Accounting Departments were able to tally and verify the expenses, the Authority's Executive Engineer Len Kowalski sent a letter to the Contractor seeking reimbursement in the amount of \$47,458.49 for expenses incurred by the Authority. That figure is based on actual cost for both the Authority's and Russo's crew. She added that there has been no agreement as to who's responsible for that break, however, 716 Contracting, Inc. has agreed to reimburse the Authority \$47,458.49.

#### **C) FISCAL**

No Report

#### **D) OPERATIONS**

##### **1. Lead Agency Determination**

Leonard Kowalski reported that Item 3 on today's agenda is part of the SEQRA review process for Contract MP-084. Contract MP-084 is a transmission main design project that is currently under design. It is to finish part of twinning of the 48" transmission mains that run from Van de Water Treatment Plant to Ball Pump Station. For a majority of that

run there are two transmission mains, but in some locations there is only a single main, so that's what the project is trying to accomplish. This project doesn't qualify as a Type II action, so it is being handled as an unlisted action. This gives the Authority to declare as lead agency and then going through the remainder of the SEQ process. Vice Chairman Carney questioned why a lead agency is needed if it is the Authority's main. Mr. Kowalski explained that anytime it's an unlisted action someone always must be declared as a lead agency.

**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**

**(Communications may be limited to items that are provided electronically. Every effort will be made to provide all communications at future meetings.)**

**C-1 NOTICE OF CLAIM FROM NEAL WALSH - RECEIVED AND FILED AND REFERRED TO LEGAL FOR FOLLOW UP**

**C-2 FOIL FROM SMARTPROCURE RELATING TO ALL CURRENT EMPLOYEE/STAFF CONTACT INFORMATION - RECEIVED AND FILED AND REFERRED TO SECRETARY 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**

## **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 - AUTHORIZATION TO EXECUTE A CLAIM SETTLEMENT AND RELEASE AGREEMENT BETWEEN THE ERIE COUNTY WATER AUTHORITY AND 716 SITE CONTRACTING, INC.**

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

#### **DISCUSSION**

On the question, Vice Chairman Carney inquired if the Commissioners just approved a contract with 716 Site Contracting ("716"). Ms. Murphy replied that has not happened. However, there is a contract that will be on a future meeting to award where 716 is the low bidder. Ms. Murphy added that their proposal was not acted upon or reviewed by the legal department until the claim was first resolved. Chairman Schad asked if language should be added to the bid specifications regarding this type of situation. Ms. Murphy expressed that any further discussion must be discussed in executive session.

#### **VOTE**

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

### **ITEM 3 - LEAD AGENCY STATUS RELATIVE TO THE 48" TRANSMISSION MAIN, TOWN OF TONAWANDA, NEW YORK, IDENTIFIED AS CONTRACT NO. MP-084, PROJECT NO. 202000084**

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

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 - APPROVAL OF ONE-YEAR LEAVE OF ABSENCE FOR NICHOLAS  
ROMAN**

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

**DISCUSSION**

On the question, Vice Chairman Carney asked what the reason was for the request. Secretary McCracken explained that Mr. Roman was recently upgraded to a Sr. WTPO from a WTPO. It is a provisional appointment, and this is procedural. Chairman Schad added that he believes this is a good practice if we promote internally to try to keep good people.

**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