

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 18th day of August 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
 Jennifer Hibit, Director of Human Resources
 Joyce A. Tomaka, Comptroller
 Lavonya C. Lester, Director of Administration
 David W. Aubertine, Director of Cybersecurity and Information Technology
 Sabrina A. Figler, Director of Water Quality
 Matthew W. Barrett, Security Officer

ATTENDEES:

PLEDGE TO THE FLAG

I. CALL TO ORDER/ROLL CALL

II. READING OF MINUTES

Motion by Ms. LaGree seconded by Ms. Iannello and carried to read the Minutes of the Meeting held on Thursday, July 21, 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 read the Minutes of the Meeting held on Thursday, July 21, 2022.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

IV. READING OF MINUTES

Motion by Ms. LaGree seconded by Ms. Iannello and carried to read the Minutes of the Meeting held on Thursday, August 4, 2022.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

V. APPROVAL OF MINUTES

Motion by Ms. LaGree seconded by Ms. Iannello and carried to read the Minutes of the Meeting held on Thursday, August 4, 2022.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

VI. REPORTS

A. SECRETARY

B. LEGAL

1. FEMA Submissions

General Counsel Carney submitted two memos that outlines the current state of the Authority's submission to FEMA for reimbursement of funds as a result of the pandemic. The first memo walks through four (4) separate areas that FEMA has indicated that we are either ineligible or we don't have sufficient submissions to maintain them. The second memo outlines the appeal process.

He explained that this matter was put before the Board to decide on how they want staff to proceed: 1) take the recommendation of the regional administrator and withdraw the objectionable filings and receive the funds that they have indicated they will approve in the amount of \$204,000 or 2) submit everything through the formal process get a formal rejection and then file the appeal. The amount that is in dispute is \$900,000.

After a discussion with the Board and staff, the Board deems it in the best interest of the Authority to receive the \$204,000 and not appeal.

C. FISCAL

1. June 2022 Investment Report

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

2. Monthly Financial Report – June 2022

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

D. OPERATIONS

1. Engineering Department Contracts for Advertisement

Leonard Kowalski informed the Board of the projects that have been advertised since the last Board meeting: MP-090, Sturgeon Point WTP Residuals/Sludge Removal, Disposal, and Relocation and Contract No. EA-013, Water System Improvements in the Town of Cheektowaga and City of Lackawanna.

2. Engineering Department Final Payment Applications

Leonard Kowalski informed the Board that there were two final payments that were processed by Accounts Payable since the last Board meeting: CH-012, Water System Improvements Town of Cheektowaga (DJM Contracting, Inc.) LA-001 Water System Improvements, Town of Cheektowaga and Village of Lancaster (E&R General Construction, Inc.).

E. HUMAN RESOURCES

F. AUDIT COMMITTEE

G. GOVERNANCE COMMITTEE

H. FINANCE COMMITTEE

I. ETHICS COMMITTEE

VII. 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 FIRMOGRAPHS BID TEAM RE BID RESULTS - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP

C-2 NOC: HOGANWILLIG V. ECWA ET AL. - RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP

C-3 NOC: CERIANI V. ECWA -RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP

C-5 NOC: MUEHLBAUER V. ECWA -RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP

C-6 JAMES GNOZZO, WATER UTILITY WORKER, RETIREMENT

The Commissioners thanked Mr. Gnozzo for his service.

VIII. 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.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

ITEM 1 - AWARD OF CONTRACT TO CUMMINGS-WAGNER SIEWERT, LLC FOR CONTRACT NO. MP-090-P03 VALVES AND ACTUATORS PROCUREMENT STURGEON POINT WATER TREATMENT PLANT FILTRATION PIPING, VALVE, AND UNDERDRAIN SYSTEM IMPROVEMENTS, PROJECT NO. 202200014 - \$2,192,980.00

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

DISCUSSION

On the question, Commissioner LaGree asked Mr. Kowalski what exactly he means when he refers to additional costs associated with compliance with the WIFIA Program American Iron and Steel Requirement as the estimate was much higher than what the engineers originally estimated. Mr. Kowalski replied that it is the American Iron Act which can drive up cost of on valves. He explained that due to the WIFIA requirement they have to use domestically produced valves.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 2 - AWARD OF CONTRACT TO KOESTER ASSOCIATES, INC. FOR CONTRACT NO. MP-090-P04 BLOWER PROCUREMENT STURGEON POINT WATER TREATMENT PLANT FILTRATION PIPING, VALVE, AND UNDERDRAIN SYSTEM IMPROVEMENTS, PROJECT NO. 202200014 - \$260,000.00

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 3 - AWARD OF CONTRACT TO O'CONNELL ELECTRIC COMPANY, INC. FOR CONTRACT NO. MP-090-P05 UNIT SUBSTATIONS PROCUREMENT STURGEON POINT WATER TREATMENT PLANT FILTRATION PIPING, VALVE, AND UNDERDRAIN SYSTEM IMPROVEMENTS, PROJECT NO. 202200014 - \$663,300.00

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 4 - AWARD OF CONTRACT TO KOESTER ASSOCIATES, INC. FOR CONTRACT NO. MP-090-P07 RATE OF FLOW CONTROLLERS PROCUREMENT STURGEON POINT WATER TREATMENT PLANT FILTRATION PIPING, VALVE, AND UNDERDRAIN SYSTEM IMPROVEMENTS, PROJECT NO. 202200014 - \$353,322.00

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 5 - APPROVAL OF AMENDMENT NO. 1 TO THE CONTRACT WITH FREDERICK MACHINE & MANUFACTURING, INC. FOR MACHINING AND FABRICATION SERVICES FOR THE REPAIR OF VARIOUS ERIE COUNTY WATER AUTHORITY EQUIPMENT FROM JANUARY 1, 2021 TO DECEMBER 31, 2022, PROJECT NO. 202000143

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 - APPROVAL OF AMENDMENT NO. 1 TO THE CONTRACT WITH NEW YORK STATE FENCE, INC. FOR THE FURNISHING AND INSTALLING OF GATE AND FENCING UPGRADES AT THE WINDOM PUMP STATION, PROJECT NO. 202100205 (CCII)

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 - APPROVAL OF AMENDMENT NO. 3 TO THE AGREEMENT WITH NEW YORK STATE INDUSTRIES FOR THE DISABLED, INC. AND THE ERIE COUNTY CHAPTER NYSARC, INC. D/B/A THE ARC ERIE COUNTY NEW YORK FOR GENERAL CLEANING SERVICES FOR THE ERIE COUNTY WATER AUTHORITY SERVICE CENTER, 3030 UNION ROAD, CHEEKTOWAGA, NEW YORK, PROJECT NO. 202000211

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 - APPROVAL OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH HUNT ENGINEERS, ARCHITECTS, LAND SURVEYORS & LANDSCAPE ARCHITECT, DPC TO PROVIDE CONSULTING ENGINEERING SERVICES FOR STURGEON POINT WATER TREATMENT PLANT LINE MAINTENANCE BUILDING AND WINDOM PUMP STATION STORAGE AND OPERATIONS FACILITY, IDENTIFIED AS CONTRACT NO. HE-001, PROJECT NO. 202100242 (CCII)

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

DISCUSSION

On the question, Commissioner Schad inquired what this project covers. Mr. Kowalski explained that it is a needs assessment for line maintenance to utilize space at the Sturgeon Point facility mainly for when we do repair work in Evans. The decision was made that part of the existing building that's going to be refurbished will be utilized by personnel from Sturgeon Point. Line maintenance will have their own separate facility.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 9 - 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 10 - 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 11 - AUTHORIZATION TO ENTER INTO A CONSTRUCTION MONITORING
AND FLAGGING AGREEMENT WITH RAILPROS FIELD SERVICES,
INC. RELATING TO CONTRACT NO. WSA-015, WATER SYSTEM
IMPROVEMENT UPGRADES IN THE CITY OF LACKAWANNA AND
TOWN OF HAMBURG, NEW YORK, PROJECT NO. 202000058**

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 SUBMIT THE NEW YORK STATE WATER INFRASTRUCTURE IMPROVEMENT ACT (WIIA) AND NEW YORK STATE INTERMUNICIPAL WATER INFRASTRUCTURE GRANTS (IMG) PROGRAM TO THE NEW YORK STATE DEPARTMENT OF HEALTH ENVIRONMENTAL FACILITIES CORPORATION RELATIVE TO SANDRIDGE TANK REHABILITATION

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

DISCUSSION

On the question, Commissioner LaGree asked how you determine what projects to submit. Executive Engineer Kowalski replied that there was a prior round last year, so another round of these projects was re-introduced. We had two existing projects that we submitted last time and then these are three additional projects that the Engineering and Production Departments decided to submit. A brief discussion was held regarding this matter.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 13 - AUTHORIZATION TO SUBMIT THE NEW YORK STATE WATER INFRASTRUCTURE IMPROVEMENT ACT (WIIA) GRANT PACKAGE TO THE NEW YORK STATE DEPARTMENT OF HEALTH ENVIRONMENTAL FACILITIES CORPORATION RELATIVE TO STURGEON POINT WASHWATER STORAGE TANK REPLACEMENT, IDENTIFIED AS CONTRACT NO. MP-088, PROJECT NO. 202100111

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 - AUTHORIZATION TO SUBMIT THE NEW YORK STATE WATER
INFRASTRUCTURE IMPROVEMENT ACT (WIIA) GRANT PACKAGE TO
THE NEW YORK STATE DEPARTMENT OF HEALTH
ENVIRONMENTAL FACILITIES CORPORATION RELATIVE TO
WATER DISTRIBUTION SYSTEM IMPROVEMENTS, IDENTIFIED AS
CONTRACT NO. GP-011, PROJECT NO. 202200057**

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

XI. ADJOURNMENT

Motion by Ms. LaGree seconded by Ms. Iannello carried that the meeting adjourned at 10:09 a.m.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

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

PG