

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 27th day of August 2020.

PRESENT: **Jerome D. Schad, Chairman**
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, August 13, 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, August 13, 2020.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

IV. REPORTS

A) SECRETARY

1. Civil Service Approvals

Pursuant to the Authority's hiring policy, Mr. McCracken has included four (4) PO-1M forms for either new employees or employees placed in a higher position. These new appointments have all been approved by Civil Service.

2. Amendment to Emergency Declaration

Terrence McCracken recommended to the Board that the Authority's Declaration of Emergency be amended to provide that it remains in effect while the State of Emergency declared by Executive Order by the Governor remains in effect. This will alleviate having to amend the Authority's Declaration of Emergency every time the Governor extends State of Emergency declared by Executive Order. He added that a resolution is on the agenda to amend Authority's Declaration of Emergency as stated above.

B) LEGAL

No Report

C) FISCAL

1. Payment Processing Contract with Paymentus Corp.

Karen Prendergast reported to the Board that the Authority currently has a contract with Paymentus to process credit card payments by phone and online. The contract was awarded with a three-year term and one three-year renewal option ending in December 2020. The contract, as executed, will automatically renew for successive three-year terms without a three-month written notice of termination. All fees are collected from

Authority customers directly by Paymentus. There has been no increase in the \$1.75 transaction fee during the contract period. Ms. Prendergast recommended that the Board allow the existing contract with Paymentus to renew for the upcoming three-year period and one optional three-year period. She added that there will be a resolution to renew at an upcoming Board meeting. Vice Chairman Carney asked if there have been any identification breaches with this company. Ms. Prendergast replied no, and they have made sure that Paymentus is compliant with all the credit cards they have to cover. Also, Paymentus has been expanding their services recently where our customers will be able to make their payments at Walmart.

2. July 2020 Investment Report

Karen Prendergast distributed the July 2020 Investment Report along with a brief explanation of the report.

3. Monthly Financial Report – July 2020

Joyce Tomaka distributed the July 2020 Monthly Financial report which includes operating revenue, investment income, operating expense and net income.

D) OPERATIONS

1. RFP – Van de Water and Raw Water Pump Stations HVAC Upgrades

Executive Engineer Kowalski reported that the Authority recently issued a Request for Proposal (RFP) for upgrades and improvements to the existing HVAC systems located at the Van de Water Treatment Plant and the Van De Water Raw Water Pump Station. This project will involve seven distinct design tasks that will result in the evaluation and partial replacement and upgrade of some of the existing HVAC components of each facility with updated technology meeting all current ECWA requirements for capacity and safety. As another part of the project, the new and existing equipment will be modernized from thermostatic control to a Digital Control System allowing ease of use by ECWA staff. RFPs were issued to five (5) consulting engineers: Nussbaumer & Clarke, Foit-Albert, Clark Patterson & Lee, LaBella, and LiRo. Two additional firms obtained the RFP through our website. In the end, six (6) firms; Encorus, Clark Patterson & Lee, New York Engineers, Nussbaumer & Clarke, LiRo, and LaBella chose to submit proposals for this project. Labella provided an experienced project team to perform the work and demonstrated a higher degree of current, relevant experience with recent work at other facilities of comparable complexity to the Van De Water Treatment Plant and Raw Water Pump Station's HVAC systems. Mr. Kowalski recommended negotiating a professional services agreement with LaBella. Vice Chairman Carney asked if this is going to be done in conjunction with some other design, for example, the lab and other facilities. Mr. Kowalski replied that the lab AC equipment will be installed within the next couple of weeks, but then the controls for that system will be incorporated into this project. Mr. Carney then asked if there has been some thought on reconfiguring the set

up so that the space is maximized. Mr. Kowalski informed the Board that it is his understanding that Ms. Figler has it figured out of where the lab equipment is going to go, versus where her new personnel are going to be located. Ms. Figler confirmed Mr. Kowalski's statement that engineering has been working with her on this project.

2. Caustic Soda

Mr. Kowalski informed the Board that the Authority utilizes caustic soda (50% solution of sodium hydroxide) to increase the pH of the water produced at the Sturgeon Point and Van de Water Treatment Plants. The use of caustic soda is a critical component of the corrosion control program for the entire distribution system. The contract with Jones Chemicals for caustic soda will expire on October 31, 2020. The Authority and the JCI Jones Chemical, Inc., agree that a one-year extension of the current contract at the same terms and conditions would be mutually beneficial for both parties. Mr. Kowalski remarked if there are no objections, the Engineering Department will have the extension paperwork on the next Board Meeting for review and approval.

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.)

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 ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH LABELLA ASSOCIATES TO PROVIDE GIS TECHNICAL SUPPORT CONSULTING SERVICES, PROJECT NO. 202000202, IDENTIFIED AS CONTRACT NO. LA-003

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 3 - AUTHORIZATION TO ENTER INTO A SERVICE AGREEMENT WITH TIME WARNER CABLE NORTHEAST LLC D/B/A SPECTRUM

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 - AUTHORIZATION TO ACCEPT PROPOSAL OF DATO DEVELOPMENT, LLC AND RUSSO DEVELOPMENT, INC. FOR THE CONSTRUCTION AND INSTALLATION OF APPROXIMATELY 1,710 LF OF EIGHT (8") INCH PVC WATERMAIN, FOUR (4) HYDRANTS, FIVE (5) LINE VALVES AND APPURTENANCES IN SHERWOOD MEADOWS SUBDIVISION, PART 4, PHASE 2, TOWN OF HAMBURG, NEW YORK, PROJECT NO. 202000052, EC NO. 7121

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 - RESOLUTION GRANTING THE STATE OF NEW YORK AUTHORITY TO PERFORM THE ADJUSTMENT FOR THE OWNER AND AGREEING TO MAINTAIN FACILITIES ADJUSTED VIA STATE-LET CONTRACT IN CONNECTION WITH PIN NO. 5813.60, PROJECT NO. 202000181

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 6 - AWARD OF CONTRACT TO CRM CONTRACTING, INC. FOR FENCING AND GUARDRAIL MAINTENANCE, REPLACEMENT AND ALTERATION CONTRACT FROM APRIL 1, 2020 TO MARCH 31, 2021, PROJECT NO. 202000004 - \$105,300.00

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 7 - AWARD OF CONTRACT TO CRM CONTRACTING, INC. FOR GENERAL BUILDING MAINTENANCE, REPLACEMENT AND ALTERATION CONTRACT FROM APRIL 1, 2020 TO MARCH 31, 2021, PROJECT NO. 202000003 - \$130,900.00

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 8 - AWARD OF CONTRACT TO 716 CONTRACTING, INC. FOR CONTRACT NO. GP-008, WATER SYSTEM IMPROVEMENTS IN THE TOWNS OF WEST SENECA AND HAMBURG AND CITY OF LACKAWANNA, NEW YORK, PROJECT NO. 201900076 - \$2,907,848.00

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

DISCUSSION

On the question, Commissioner Carney remarked that three of the bids have corrected figures. He then asked for an explanation. Mr. Kowalski informed him that DJM Contracting, Inc.'s bid ran into discrepancies between words and figures. Pursuant to the contact, discrepancies between words and figures will be resolved in favor of words. After the bid amounts were corrected, the corrected total bid amount was \$10,243,411,500.00. Mr. Kowalski added that they were not the low bidder and that there is no question 716 Contracting, Inc. is the low bid.

VOTE

Ayes: Three; Commrs. Schad, Carney and LaGree

Noes: None

ITEM 9 - AUTHORIZATION TO GRANT LEAK ALLOWANCE REQUESTS - \$6,161.85

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

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and LaGree

Noes: None; Commissioner Carney abstained

**ITEM 10 - APPROVAL TO AMEND THE ERIE COUNTY WATER AUTHORITY'S
DECLARATION OF EMERGENCY**

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

DISCUSSION

None

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



Terrence D. McCracken
Secretary to the Authority

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