

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 5th day of August 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
Leonard F. Kowalski, Executive Engineer (via teleconference)
Daniel J. NeMoyer, Director of Human Resources (via teleconference)
Joyce A. Tomaka, Comptroller
Sabrina A. Figler, Director of Water Quality (via teleconference)
Lavonya C. Lester, Director of Administration (via teleconference)
Matthew W. Barrett, Security Officer (via teleconference)
Jeffrey Schlierf, Acting Manager of Information Technology (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, July 22, 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, July 22, 2021.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

IV. REPORTS**A) SECRETARY****1. RFP – Cybersecurity Risk & Vulnerability Assessment**

Secretary McCracken informed the Board that a Request for Proposal for Cybersecurity Risk & Vulnerability Assessment was issued to five firms in addition to the RFP being posted on the Authority's website. Eleven valid responses to the RFP were submitted, and after a thorough review, staff recommends a professional services contract be awarded to GlobalSecurityIQ. Mr. McCracken added that a resolution for the awarding of a contract is on today's agenda.

2. Additional Vacation Time for New Employee

Secretary McCracken informed the Board that on today's agenda is a resolution granting Mr. Walter Klein two week's vacation for one time only. He is the Authority's new Operational Analyst & Solution Programmer which is part of the Authority's restructure of the IT department. Mr. Klein has 40 year's experience in the information technology field – many of these years working for the Authority.

3. 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**1. Executive Session**

Discussion with the Authority's General Counsel relating to proposed or pending litigation pursuant to Public Officers Law § 105(1)(d)

This matter was deferred until the end of the meeting.

C) FISCAL

D) OPERATIONS

1. RFP – Distribution Main Design Project 2021-2022, Project No. 202100075

Leonard Kowalski reported that a Request for Proposal (RFP) for engineering services for design and construction phase services to replace several distribution mains in the Towns of Hamburg, Cheektowaga, and West Seneca was issued to five (5) consulting engineering firms. In addition, the RFP was posted to the ECWA website. All five engineering firms responded to the request, and three additional firms responded to the posting on the website. Based on the review and evaluation of the proposals, it is the committee's opinion that JM Davidson is the best firm for this project due to a combination of experience and qualifications. Engineering will move forward with negotiations with JM Davidson for the design and construction phase services for this project.

2. RFP - Water Storage Tank Rehabilitation, Project No. 202100021

Executive Engineer Kowalski reported that a Request for Proposal (RFP) for consulting engineering services for the refurbishing of six water storage tanks within the Authority's system was issued to five consulting engineering firms. One other firm obtained the RFP through the posting on our website. Two firms chose to submit proposals for this project. The project consists of engineering services for the design and refurbishment of two tanks owned by ECWA (Colvin and Eden 4), three tanks owned by the Town of Boston (Crestwood, Rice Hill, and Wohlhueter) and one tank owned by the Town of Orchard Park (Cole). Signed cooperative agreements for the construction costs have been received from the Town of Boston and Town of Orchard Park. It is anticipated that three separate construction contracts will be prepared. Based on the review and evaluation of the proposals, it is the committee's opinion that Wendel provided a highly qualified project team and demonstrated direct, relevant experience with similar work. Engineering will move forward with negotiations with Wendel to develop a Professional Services Contract for the referenced project.

3. RFP – Criticality Review, Emergency Action Plan, and 18-Mile Creek Crossing Replacements for Sturgeon Point Water Treatment Plant Delivered Water Transmission Mains, PN 202100078 (CCCI)

Leonard Kowalski informed the Board that a Request for Proposal for Criticality Review, Emergency Action Plan, and 18-Mile Creek Crossing Replacements for Sturgeon Point Water Treatment Plant Delivered Water Transmission Mains was issued to four (4) firms. The RFP was not posted on the website due to nature of the project. The Authority received four (4) responses, and it is the committee's opinion that Brown & Caldwell is

the best firm for this critical and complex project due to a combination of experience and qualifications. Engineering will move forward with negotiations with Brown & Caldwell to develop a Professional Services Contract for the referenced project. Commissioner Schad asked about the cost of the project and timetable. Mr. Kowalski replied that the cost will be about \$1.9 million, and he is aiming to have a final report next spring. A brief discussion was held regarding any impact this project may have on any current capital projects.

4. RFP – 42” and 48” Transmission Main Condition
Assessment & Transient Analysis, PN 202100079 (CCCI)

Leonard Kowalski informed the Board that a Request for Proposal for a 42” and 48” Transmission Main Condition Assessment & Transient Analysis was issued to three (3) firms. The RFP was not posted on the website due to nature of the project. Three (3) responses were received, and interviews were held with each consulting firm to allow the firms to answer any follow up questions that the engineering department had. Subsequently, the committee determined that Brown & Caldwell is the best firm for this critical and complex project due to a combination of experience and qualifications. Brown and Caldwell provided an experienced project team who demonstrated significant experience with transmission main inspection and transient analyses. Engineering will move forward with negotiations with Brown & Caldwell to develop a Professional Services Contract for the referenced project. Chairman Schad asked if the RFP was solely intended for the southtowns, and Mr. Kowalski informed him it is focused on approximately 32 miles of transmission mains in the Southern Tier. Mr. Kowalski added that this is the tool that can be used on prestressed concrete pipe. Therefore, the results of this project will help us determine if we need to move forward with other locations within our distribution network.

E) HUMAN RESOURCES

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 STEPHEN BATTAGLIA, AUTOMOTIVE MECHANIC CREW CHIEF –
RETIREMENT – RECEIVE AND FILE AND REFER TO THE SECRETARY
FOR FOLLOW UP**

Chairman Schad thanked Mr. Battaglia for his years of service at the Authority.

C-2 FOIL FROM SAM HULL REGARDING TOWN OF EVANS – RECEIVE AND FILE AND REFER TO THE SECRETARY FOR FOLLOW UP

C-3 FOIL FROM JOEL COPELAND REGARDING LIST OF RESIDENTIAL RESIDENCES THAT HAVE BEEN DISCONNECTED FROM SERVICE FOR MORE THAN 90 DAYS – RECEIVE AND FILE AND REFER TO THE 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

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 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH GLOBALSECURITYIQ, LLC TO PROVIDE A CYBERSECURITY RISK AND VULNERABILITY ASSESSMENT, IDENTIFIED AS CONTRACT NO. GSI-001, PROJECT NO. 202100195

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

DISCUSSION

General Counsel Carney explained that a contract was issued to GlobalSecurityIQ, LLC (“Global”) for the above-referenced services in which Cybersecurity Consulting was added to the contract. Mr. Carney does not foresee any issue with this addition, however,

he is requesting that Item 2 be amended to include that the Board of Commissioners approves any changes to the contract authorized by General Counsel.

Motion by Ms. LaGree and seconded by Ms. Iannello to amend Item 2 to include that the Board of Commissioners approves any changes to the contract authorized by General Counsel.

Chairman Schad calls for a vote on the motion to amend.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

On the motion as amended,

Motion by Ms. LaGree seconded by Ms. Iannello to approve the amended Item No. 2

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 3 - AWARD OF CONTRACT TO 716 SITE CONTRACTING, INC. FOR CONTRACT NO. WSA-015, WATER SYSTEM IMPROVEMENTS IN THE TOWN OF HAMBURG AND CITY OF LACKAWANNA, NEW YORK, PROJECT NO. 202000058 - \$3,698,420.00

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

DISCUSSION

On the question, Commissioner LaGree wanted to confirm that we are in agreement that even though the bid is much different than the engineer's estimate, it is a reasonable dollar amount for that project. Mr. Kowalski explained that the consulting engineers went over the project with 716 Site Contracting, Inc. and 716 was comfortable with the number they submitted for the project.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 4 - AUTHORIZATION TO REFUND SERVICE CONNECTION FEE TO PAUL PAOLINI - \$2,300.00

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 5 - AUTHORIZATION TO REFUND SERVICE CONNECTION FEE TO ANDREW KORNACKI - \$2,300.00

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 6 - AUTHORIZATION TO GRANT LEAK ALLOWANCE REQUESTS - \$10,414.89

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 - AUTHORIZATION FOR SABRINA FIGLER, DIRECTOR OF WATER QUALITY TO ATTEND THE AWWA WQTC IN TACOMA, WASHINGTON

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 SABRINA FIGLER, DIRECTOR OF WATER QUALITY TO ATTEND THE EDWARD C. TIFT CONFERENCE SYMPOSIUM IN SYRACUSE, NEW YORK

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 ENTER INTO AN ON-SITE INSURANCE AGREEMENT WITH CISCO SYSTEMS, INC.

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 FOR ADDITIONAL VACATION TIME FOR NEW OPERATIONAL ANALYST & SOLUTION PROGRAMMER

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) at 9:58 a.m. Only the Commissioners are needed.

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 10:30 a.m.

DISCUSSION

Chairman Schad noted that a productive discussion was held.

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 with the Authority's General Counsel matters relating to proposed or pending litigation pursuant to Public Officers Law § 105(1)(d) at 10:30 a.m. Mr. Schad invited Russell Stoll, Karen Prendergast, Mark Carney and Leonard Kowalski.

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 11:23 a.m.

DISCUSSION

Chairman Schad noted that a productive discussion was held with General Counsel, and the Commissioners have authorized General Counsel to proceed with certain matters.

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 11:23 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

PF