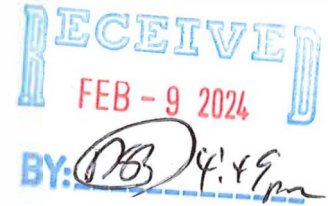


STATE OF NEW YORK
SUPREME COURT

COUNTY OF ERIE



In the Matter of the Claim of

SHARON ZAJDEL

Claimant,

NOTICE OF CLAIM

-against-

ERIE COUNTY WATER AUTHORITY,

Respondent.

TO: ERIE COUNTY WATER AUTHORITY
295 Main Street, Rm. 350
Buffalo, New York 14203

PLEASE TAKE NOTICE that the above named Claimant, SHARON ZAJDEL (“Zajdel”) hereby makes claim against Respondent, ERIE COUNTY WATER AUTHORITY (“ECWA”), as follows:

1. The name and post office address of the Claimant is SHARON ZAJDEL, 6179 Cole Road, Orchard Park, New York 14127. Claimant is not yet represented by counsel.

2. The nature of this claim is the ECWA’s violation of Sections 75 and 75-b(2) of the New York State Civil Service Law; Article 7 of the New York State Public Officers Law (Open Meetings Law); and Article 78 of the New York State Civil Practice Law and Rules.

3. This claim arose on or about January 26, 2024, at approximately 3:00 pm.

4. The manner in which this claim arose is as follows:

a. Zajdel worked for ECWA from July 2007 until ECWA terminated her on November 28, 2022.

b. On or about October 31, 2022, attorney Lindy Korn sent a letter to ECWA on behalf of Zajdel outlining harassment Zajdel had endured and uncompensated work Zajdel had been required to perform.

c. Under ECWA Policy 17, ECWA had an obligation to investigate these alleged violations. They did not. Instead, ECWA Secretary Terrence McCracken launched an investigation into Zajdel.

d. On November 28, 2022, ECWA General Counsel Mark Carney terminated Zajdel without giving her due process under Civil Service § 75.

e. Carney cited two emails Zajdel had sent and alleged her sending of the emails violated ECWA Policy 85.

f. After months of lobbying Erie County Civil Service for her due process rights under Civil Service § 75, on or about September 5, 2023, ECWA filed Section 75 charges against Zajdel now alleging she had violated ECWA Policies 85 and 89.

g. On or about September 20, 2023, ECWA appointed ECWA RPT Attorney John DelMonte to serve as hearing officer.

h. DelMonte reports to General Counsel Carney as a RPT Attorney.

i. The hearing was held on October 3 and December 12, 2023.

j. ECWA Secretary Terrence McCracken and Human Resources Director Jennifer Hibit testified on behalf of ECWA and were in attendance for the entirety of both days of the hearing.

k. After the first day of hearing, October 3, 2023, Zajdel sought leave to hire counsel to represent her for the remainder the hearing.

l. DelMonte gave Zajdel two business days to find representation.

m. Zajdel retained Hayes Dolce to represent her for the remainder the of the § 75 hearing and was represented by Attorney Claire T. Sellers on the second day of hearing, December 12, 2023.

n. At hearing, over Zajdel's counsel's objections the hearing officer refused to allow Zajdel to present relevant evidence.

o. On or about November 28, 2023, Zajdel emailed the Authority her letter of retirement.

p. By letter dated November 29, 2023 from Jennifer Hibit, the Authority confirmed its acceptance of Zajdel's retirement and terminated Zajdel's vision and dental benefits. Zajdel received the letter in or around mid-December 2023.

q. Zajdel's counsel attempted to contact ECWA counsel James Domagalski multiple times between December 18, 2023 and January 12, 2024 to address the unlawful termination of Zajdel's benefits.

r. Domagalski did not respond until January 12, 2024 in which he informed DelMonte and Zajdel's counsel that the matter of the unlawful termination of Zajdel's benefits was for DelMonte to decide.

s. On January 12, 2024, the Parties submitted their post-hearing briefs to Hearing Officer DelMonte.

t. On January 26, 2024, ECWA held a Board Meeting without notice to accept the hearing officer's recommendation of termination for Zajdel.

u. Both ECWA Secretary McCracken and Human Resources Director Hibit attended the ECWA Board Meeting and participated in the executive session discussion and determination to terminate Zajdel.

v. On February 1, 2024, Zajdel received a hand delivered package which included notification that ECWA had voted in executive session to accept the hearing officer's January 16, 2024 recommendation to terminate Zajdel.

w. Neither Zajdel nor Zajdel's counsel, Hayes Dolce, was ever notified of Hearing Officer DelMonte's decision.

x. To date, Zajdel's counsel has not been served with a copy of DelMonte's decision from DelMonte or ECWA.

5. By such conduct, the New York State statutory rights of Claimant were violated and interfered with and ECWA acted in error of law, arbitrarily, capriciously, in bad faith, and otherwise in excess of legal authority.

6. As a direct and proximate result of ECWA's unlawful actions, the rights of Claimant to a fair and unbiased hearing by a fair hearing officer as well as the legal rights of Claimant to an unbiased final determination have been violated and interfered with; Claimant has been unlawfully denied her dental and vision benefits and other employment benefits since on or about November 28, 2022; Claimant has been denied her retirement benefits; and Claimant has been otherwise injured.

7. Claimant respectfully makes claim and demand that ECWA immediately cease and desist from such unlawful actions, comply with constitutional and statutory law, take such remedial action as necessary to correct the illegal conduct, and make whole Claimant by reason of such illegal conduct, together with necessary court costs, disbursements, and reasonable attorney fees, and provide all other appropriate relief.

8. The dollar amount of this claim is uncertain at this time.


WHEREFORE, Claimant serves notice and present these claims to Respondent ECWA
and demands adjustment and resolution of the same.

Dated: Buffalo, New York
February 9th, 2024

Respectfully submitted,


SHARON ZAJDEL

Sworn to before me this
9th day of February 2024



Notary Public - New York State

ROSANA D. REED
Notary Public, State of New York
No. 01RE6341265
Qualified in Erie County
Commission Expires May 02, 2024