



# ERIE COUNTY WATER AUTHORITY

## INTEROFFICE MEMORANDUM

March 28, 2022

To: Jerome D. Schad, Chair  
Peggy A. LaGree, Vice Chair  
Michele M. Iannello, Treasurer

From: Karen A. Prendergast, Chief Financial Officer <sup>KAP</sup>

Subject: Professional Service Contract with Drescher & Malecki, LLP

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In October of 2019, the Authority entered into a professional service agreement for auditing and accounting advisory services for fiscal years ending December 31, 2019, 2020 and 2021. At the March 24, 2022 meeting, Drescher & Malecki presented their financial audit results for the period ending December 31, 2021, fulfilling their obligations under the 2019 contract.

The original contract included an option to renew for fiscal years 2022 and 2023 at established rates. Drescher & Malecki have been great partners, and were helpful in reviewing and closing the WIFIA loan documents. There is a significant change in lease accounting required in 2022, and it would be to the Authority's benefit to have Drescher & Malecki under contract to guide its implementation.

The renewal rate for fiscal year end December 31, 2022 is \$37,293, and Drescher & Malecki have requested a one-year extension at that rate. Please review their request and the contract amendment. I have included a resolution approving the amendment for your consideration at the April 7, 2022 meeting.

Auditing services are budgeted in unit 4000, Line 58 Accounting/Auditing Services. Auditing fees for fiscal year 2022 will be budgeted in 2023, adequate funds exist for any assistance which may be required in 2022.

cc T. McCracken  
M. Carney  
R. Stoll  
J. Tomaka

ERIE COUNTY WATER AUTHORITY  
AUTHORIZATION FORM  
For Approval/Execution of Documents  
(check which apply)

**Contract:** \_\_\_\_\_ **Project No.:** \_\_\_\_\_  
**Project Description:** Amendment 1 - Drescher & Malecki, LLP - Contract extension

**Item Description:**



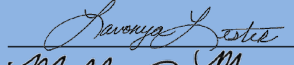



<input type="checkbox"/> Agreement	<input type="checkbox"/> Professional Service Contract	<input checked="" type="checkbox"/> Amendment	<input type="checkbox"/> Change Order
<input type="checkbox"/> BCD	<input type="checkbox"/> NYSDOT Agreement	<input type="checkbox"/> Contract Documents	<input type="checkbox"/> Addendum
<input type="checkbox"/> Recommendation for Award of Contract	<input type="checkbox"/> Recommendation to Reject Bids		
<input type="checkbox"/> Request for Proposals			
<input type="checkbox"/> Other _____			

**Action Requested:**


<input checked="" type="checkbox"/> Board Authorization to Execute	<input type="checkbox"/> Legal Approval
<input type="checkbox"/> Board Authorization to Award	<input type="checkbox"/> Execution by the Chairman
<input type="checkbox"/> Board Authorization to Advertise for Bids	<input type="checkbox"/> Execution by the Secretary to the Authority
<input type="checkbox"/> Board Authorization to Solicit Request for Proposals	
<input type="checkbox"/> Other _____	

**Approvals Needed:**

**APPROVED AS TO CONTENT:**

<input checked="" type="checkbox"/> Comptroller	<u></u>	Date: <u>03/28/2022</u>
<input checked="" type="checkbox"/> Chief Operating Officer	<u></u>	Date: <u>3/28/2022</u>
<input type="checkbox"/> Executive Engineer	_____	Date: _____
<input checked="" type="checkbox"/> Director of Administration	<u></u>	Date: <u>03/28/2022</u>
<input checked="" type="checkbox"/> Risk Manager	<u></u>	Date: <u>03/28/2022</u>
<input checked="" type="checkbox"/> Chief Financial Officer	<u></u>	Date: <u>03/28/2022</u>
<input checked="" type="checkbox"/> Legal	<u></u>	Date: <u>3/28/2022</u>

**APPROVED FOR BOARD RESOLUTION:**

<input checked="" type="checkbox"/> Secretary to the Authority	<u></u>	Date: <u>3/28/22</u>
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**Remarks:** \_\_\_\_\_

**Resolution Date:** \_\_\_\_\_ **Item No:** \_\_\_\_\_

**Drescher & Malecki LLP**  
3083 William Street, Suite 5  
Buffalo, New York 14227  
Telephone: 716.565.2299  
Fax: 716.565.2201



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*Certified Public Accountants*

December 7, 2021

Jerome D. Schad, ESQ., Chair  
Erie County Water Authority  
295 Main Street – Room 350  
Buffalo, New York 14203

Dear Mr. Schad:

Knowledge of the Erie County Water Authority (the “Authority”), its business operations, and the environment it operates in are essential to audit quality and continuity. We value our relationship with the Authority and propose to extend our contract to provide external audit services for the option year outlined in our proposal.

Drescher & Malecki LLP is committed to continue its exemplary service to the Authority. We formally request the Authority to extend our audit engagement through the fiscal year ending December 31, 2022, at the proposed fee of \$37,293.

If the proposed fee and terms discussed above are agreeable to the Authority, please sign in the space provided and return it to us. Further, a copy has been provided for your records.

Yours truly,

*Drescher & Malecki LLP*

Accepted and agreed to by  
Erie County Water Authority

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**AMENDMENT NO. 1 TO  
THE PROFESSIONAL SERVICES CONTRACT**

AMENDMENT, effective December 22, 2021, to the Professional Services Contract, entered into on October 3, 2019, by and between

**ERIE COUNTY WATER AUTHORITY**

295 Main Street, Room 350  
Buffalo, New York 14203

hereinafter referred to as the “Authority”, and

**DRESCHER & MALECKI, LLP**

3083 William Street, Suite 5  
Cheektowaga, New York 14227

hereinafter referred to as “Consultant”.

**WHEREAS**, on October 3, 2019, the Authority and the Consultant entered into a professional services contract (the “Contract”) providing for audit and accounting advisory services to the Authority for fiscal years ending December 31, 2019, 2020 and 2021; and

**WHEREAS**, in accordance with paragraph 2(a) of the Contract, the parties may amend the Contract at the discretion of the Authority for fiscal years ending December 2022 and 2023; and

**WHEREAS**, the parties wish to extend the contract for fiscal year ending December 31, 2022 pursuant to paragraph 3(a) of the Contract;

**NOW, THEREFORE**, in consideration of mutual promises herein set forth, the parties agree to the following:

(1) The parties extend the term of the Contract for audit and accounting advisory services for fiscal year ending December 31, 2022;

(2) The parties agree the terms and conditions of the Contract shall remain in effect through the completion of the December 31, 2022 audit;

(3) This Amendment may be executed in counterparts, each of which is deemed an original, but all of which together are deemed to be one and the same agreement; and

(4) The parties agree to accept electronic signature pages, signed in conformity with the Governor’s Executive Order No. 202.8, allowing any notarial action to be performed utilizing audio-video technology.

**IN WITNESS WHERETO**, the parties hereto have caused this Amendment No. 1 to be signed by their respective duly constituted officers, attested and sealed pursuant to proper authority.

**ERIE COUNTY WATER AUTHORITY**

By \_\_\_\_\_  
Jerome D. Schad, Chair

**DRESCHER & MALECKI, LLP**

By \_\_\_\_\_  
Thomas P. Malecki, Partner

**STATE OF NEW YORK    )**  
**COUNTY OF ERIE        ) ss:**

On the \_\_\_\_ day of \_\_\_\_\_, in the year 202\_, before me personally came Jerome D. Schad, to me known, who, being by me duly sworn, did depose and say that he resides in the Amherst, New York, that he is the Chair of the Board of Commissioners for the Erie County Water Authority described in the above instrument, and he signed his name thereto by the authorization of the Board of Commissioners for the Erie County Water Authority.

\_\_\_\_\_  
Notary Public

**STATE OF NEW YORK    )**  
**COUNTY OF ERIE        ) ss:**

On the \_\_\_ day of \_\_\_\_\_, in the year 202\_, before me personally came Thomas P. Malecki, to me known, who, being by me duly sworn, did depose and say that he resides in \_\_\_\_\_ and is a partner of the firm of Drescher & Malecki, LLP, a limited liability partnership, and that he executed the foregoing instrument in the firm name of Drescher, and that he had authority to sign same, and he did acknowledge to me that he executed the same as the act and deed of said firm of Drescher & Malecki, LLP, for the uses and purposes mentioned herein.

\_\_\_\_\_  
Notary Public