

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 17th day of August 2023.

PRESENT: Jerome D. Schad, Chair
Peggy A. LaGree, Vice Chair
Michele M. Iannello, Treasurer
Terrence D. McCracken, Secretary to the Authority
Joyce A. Tomaka, Chief Financial Officer
Mark S. Carney, General Counsel
Leonard F. Kowalski, Executive Engineer
Sabrina A. Figler, Director of Water Quality
Jennifer Hibit, Director of Human Resources
Jessica R. Brown, Comptroller
Lavonya C. Lester, Director of Administration
Katherine A. Gillette, Associate Attorney
Michael W. Wymer, Senior Production Engineer
Michael J. Quinn, Senior Distribution Engineer
David W. Aubertine, Director of Cybersecurity and Information Technology
Matthew W. Barrett, Security Officer

ATTENDEES: Dave Fox, Raftelis (via teleconference)

PLEDGE TO THE FLAG

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 9:37 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, August 3, 2023.

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, August 3, 2023.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

IV. REPORTS**A. SECRETARY**

1. 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)

The above executive session has been deferred to prior to Item 24.

B. LEGAL**C. FISCAL**

1. Raftelis presentation

Dave Fox from Raftelis gave the Board an update and overview regarding rate studies and the long term financial picture. Items discussed included the Authority's Strategic Plan, infrastructure needs, financial plans and forecasts, recommended rate increases, and bill comparisons.

Commissioner LaGree asked if federal or state monies have been taken into consideration. Ms. Tomaka verified that they have been included. Chairman Schad inquired if other authorities have seen an increase in consumption. Mr. Fox stated that they have only noted increases in areas of significant growth.

2. June 2023 Investment Report

Joyce Tomaka distributed the June 2023 Investment Report along with a brief explanation of the report.

3. June 2023 Financial Report

Jessica Brown distributed the June 2023 Monthly Financial report and briefly reviewed the data.

D. OPERATIONS

1. RFPs Published

Leonard Kowalski reported of a RFP published since the last Board Meeting:
Water Storage Tank Inspections, Project No. 202300023.

- 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 NOTICE OF CLAIM – GADLEY V ECWA – RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**

- C-2 NOTICE OF CLAIM – GILCRIST V ECWA – RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**

- C-3 NOTICE OF CLAIM – KUMAR V ECWA – RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**

- C-4 FOIL FROM LIBERTY MUTUAL INSURANCE REGARDING 9690 TREVETT ROAD, BOSTON - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

- C-5 FOIL FROM WELLS FARGO REGARDING 95 LEWAN DRIVE, DEPEW - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

- C-6 FOIL FROM JADE HOPKINS REGARDING 4900 NORTH AMERICA DRIVE, WEST SENECA - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

- C-7 FOIL FROM HALEY LINDEMANN REGARDING 9690 TREVETT ROAD, BOSTON - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

- C-8 FOIL FROM CHRISTOPHER BUCK REGARDING CREEKSIDE COURT, BOSTON - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

VI. 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.

VII. UNFINISHED BUSINESS

VIII. NEW BUSINESS

ITEM 1 - RESOLUTION OF THE ERIE COUNTY WATER AUTHORITY AGREEING TO PAY THE COSTS AND RESPONSIBILITIES OF THE CONSTRUCTION OF A BETTERMENT ON OR ALONG UNION ROAD/RTE 277, TOWNS OF CHEEKTOWAGA AND WEST SENECA, NEW YORK, ERIE COUNTY, PIN NO. 5131.41, D265088, 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

ITEM 2 - 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. 5814.20, D265055 PROJECT NO. 202300134

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 ALEXANDER CHEMICAL CORPORATION FOR FURNISHING AND DELIVERING OF LIQUID CHLORINE IN ONE TON CONTAINERS TO THE ERIE COUNTY

**WATER AUTHORITY FOR USE IN THE TREATMENT OF WATER
FOR ONE YEAR, PROJECT NO. 202300129 - \$963,390.00**

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

DISCUSSION

Chairman Schad asked if this was the first time the vendor had a successful bid or the first time submitting a bid. Mr. Kowalski stated that this is the second time this vendor has submitted a bid. Mr. Kowalski also noted that prices seem to be stabilizing.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 4 - AWARD OF CONTRACT TO DJM CONTRACTING, INC. FOR
WATER SYSTEM IMPROVEMENTS – TOWN OF HAMBURG,
IDENTIFIED AS CONTRACT NO. WE-005, PROJECT NO. 202200055 -
\$492,085.00**

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

DISCUSSION

Commissioner LaGree inquired if the timing of this project was due to the construction of the new Buffalo Bills stadium. Mr. Kowalski replied that the new service work requested for the new stadium will help facilitate this project.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 5 - AWARD OF CONTRACT TO MARK CERRONE, INC. FOR ON
CALL REPAIR SERVICES WATERMAINS AND RELATED
FACILITIES, SEPTEMBER 1, 2023 THROUGH AUGUST 31, 2025,
PROJECT NO. 202300043 - \$3,323,912.00**

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 - AWARD OF CONTRACT TO O'CONNELL ELECTRIC COMPANY,
INC. FOR CONTRACT NO. MP-090-E STURGEON POINT WATER
TREATMENT PLANT FILTRATION PIPING, VALVE AND**

**UNDERDRAIN SYSTEM IMPROVEMENTS, PROJECT NO.
202200014 - \$4,719,000.00**

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

DISCUSSION

Chairman Schad asked if the work will be completed this year. Mr. Kowalski replied that this is a four year project.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 7 - AWARD OF CONTRACT TO AMERICAN CONTRACTING &
ENVIRONMENTAL SERVICES, INC. FOR CONTRACT NO. MP-
090-G STURGEON POINT WATER TREATMENT PLANT
FILTRATION PIPING, VALVE AND UNDERDRAIN SYSTEM
IMPROVEMENTS, PROJECT NO. 202200014 - \$28,470,000.00**

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

DISCUSSION

Commissioner LaGree noted that the bid came in under the estimated price and that the contractor has worked with the Authority on other projects.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 8 - AWARD OF CONTRACT TO JOHN W. DANFORTH COMPANY FOR
CONTRACT NO. MP-090-H STURGEON POINT WATER
TREATMENT PLANT FILTRATION PIPING, VALVE AND
UNDERDRAIN SYSTEM IMPROVEMENTS, PROJECT NO.
202200014 - \$3,240,000.00**

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 9 - AWARD OF CONTRACT TO JOHN W. DANFORTH COMPANY
FOR CONTRACT NO. MP-090-P STURGEON POINT WATER
TREATMENT PLANT FILTRATION PIPING, VALVE AND**

**UNDERDRAIN SYSTEM IMPROVEMENTS, PROJECT NO.
202200014 - \$584,800.00**

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 10 - APPROVAL OF CHANGE ORDER NO. 1 OF HAZEN & SAWYER FOR
CORROSION CONTROL TREATMENT PROGRAM PIPE LOOP
DEMONSTRATION STUDY, IDENTIFIED AS CONTRACT NO. HS-002,
PROJECT NO. 202100152 - \$4,244.00**

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

DISCUSSION

Secretary McCracken noted that Item 10 should read “Approval of Change Order No. 1 of Intuitech Inc. for Corrosion Control Treatment Program Pipe Loop Equipment, Identified as Contract No. HS-002, Project No. 202100152 - \$4,244.00.”

Motion by Ms. LaGree to amend Change Order No. 1 to read Intuitech Inc. instead of Hazen & Sawyer and Corrosion Control Treatment Program Pipe Loop Equipment instead of Demonstration Study, seconded by Ms. Iannello.

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

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

DISCUSSION

Commissioner Iannello asked if most of the Authority’s pipe loops contain automated valves. Mr. Kowalski responded that this pipe loop is the only one in support of the Corrosion Control Program for the Lead services and, if there was a break, data could be lost.

On the motion as amended,

Motion by Ms. LaGree and seconded by Ms. Iannello to approve the amended Item 10.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 11 - APPROVAL OF AMENDMENT NO. 1 TO THE PROFESSIONAL

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

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 - APPROVAL OF AMENDMENT NO. 1 TO THE CONTRACT WITH
GREATER NIAGARA MECHANICAL, INC. FOR HEATING,
VENTILATING, AND AIR CONDITIONING SERVICE AND
PREVENTIVE MAINTENANCE WORK, IDENTIFIED AS CONTRACT
NO. 22-46-12, PROJECT NO. 202200217**

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 13 - APPROVAL OF AMENDMENT NO. 2 TO THE PROFESSIONAL
SERVICES AGREEMENT WITH DRESCHER & MALECKI, LLP TO
PROVIDE PROFESSIONAL AUDIT AND ACCOUNTING
ADVISORY SERVICES FOR EACH OF ITS FISCAL YEARS
ENDING DECEMBER 31, 2019, 2020 AND 2021, PROJECT NO.
201900184**

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 - APPROVAL OF AMENDMENT NO. 1 TO THE CONTRACT WITH
AMERICAN CONTRACTING AND ENVIRONMENTAL SERVICES,
INC. FOR NEW PUMP STATION AT THE NEWSTEAD WATER**

**STORAGE TANK, IDENTIFIED AS CONTRACT NO. NC-043,
PROJECT NO. 202100048**

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

DISCUSSION

Commissioner LaGree noted that the new pump station would not be completed until June of next year. Mr. Kowalski agreed.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 15 - APPROVAL OF AMENDMENT NO. 5 TO THE PROFESSIONAL SERVICES 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 RELATING TO 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 16 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2023

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

DISCUSSION

Commissioner Iannello questioned the amount. Ms. Tomaka described the process of ordering meters and the associated lead times. Chairman Schad asked what the current lead time was. Ms. Tomaka stated the current lead time is six to eight months.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 17 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR

2023

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

DISCUSSION

Commissioner LaGree recognized that the budget transfer was for Item 4 but the amount of the budget transfer was higher. Mr. Kowalski responded that the amount in Item 4 did not include other expenses, such as inspection and engineering costs.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 18 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL O&M BUDGET FOR FISCAL YEAR 2023

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 19 - AUTHORIZATION FOR SABRINA FIGLER, DIRECTOR OF DRINKING WATER QUALITY AND RYAN MCKERNAN, LABORATORY TECHNICIAN (ENVIRONMENTAL CHEMISTRY) TO ATTEND THE AWWA WATER QUALITY TECHNOLOGY CONFERENCE IN DALLAS, TEXAS

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 20 - APPROVAL OF ONE-YEAR LEAVE OF ABSENCE FOR JORDAN GRIMALDI (CCII)

Secretary McCracken noted that Item 20 has been withdrawn.

ITEM 21 - APPROVAL OF ONE-YEAR LEAVE OF ABSENCE FOR JOHN KURYAK (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 22 - CREATION OF TWO POSITIONS OF SENIOR PRODUCTION ENGINEER

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 23 - AUTHORIZATION FOR APPROVALS OF ONE TIME DELINQUENT CHARGE REVERSAL

Motion by Ms. LaGree and seconded by Ms. Iannello as amended 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 at 10:26 a.m. to discuss a matter 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). Mr. Schad invited Terrence McCracken, Mark Carney, Joyce Tomaka, and Jennifer Hibit.

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 10:49 a.m.

DISCUSSION

Chairman Schad noted that a productive Executive Session was held, and the Board is ready to move on the Agenda.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 24 - CHARLES E. EATON - APPOINTMENT AS CHIEF OPERATING OFFICER

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

VIII. ADJOURNMENT

Motion by Ms. LaGree seconded by Ms. Iannello carried that the meeting adjourned at 10:17 a.m.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None



Terrence D. McCracken
Secretary to the Authority

ALH