

**MINUTES** of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 29<sup>th</sup> day of April 2024.

**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  
Charles E. Eaton, Chief Operating Officer  
Leonard F. Kowalski, Executive Engineer  
Jennifer Hibit, Director of Human Resources  
Lavonya C. Lester, Director of Administration  
Sabrina A. Figler, Director of Water Quality  
David W. Aubertine, Director of Cybersecurity and Information Technology  
Matthew W. Barrett, Security Officer

**ATTENDEES:**

**PLEDGE TO THE FLAG**

**I. CALL TO ORDER/ROLL CALL**

The meeting was called to order at 9:46 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 Wednesday, April 17, 2024.

**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 Wednesday, April 17, 2024.

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello  
 Noes: None

#### **IV. REPORTS**

##### **A. SECRETARY**

##### **B. LEGAL**

##### **C. FISCAL**

##### **D. OPERATIONS**

#### **1. Buoy Installation and Underwater Services – Bid Rejection**

Leonard Kowalski updated the Board on the decision made by the Legal and Engineering Departments to reject the bids received for the Buoy Installation and Underwater Services project. Mr. Kowalski reported that the contract will be revised and reissued. Chairman Schad questioned if other projects would be delayed. Mr. Kowalski stated that certain items were removed from the original contract and bid separately to prevent any delays.

#### **2. AWWA Fly-In Washington, D.C. Update**

Sabrina Figler reported on her recent participation in AWWA's Fly-In annual event in Washington, D.C. Ms. Figler noted the purpose of the Fly-In is to advance AWWA's priorities on Capitol Hill by utilizing its vast membership and the influence each member has with their own congressional representatives. Ms. Figler and fellow NYSAWWA members were able to obtain appointments with Nicholas Langworthy's office, Congressional District 23, and Senators' offices Charles Schumer and Kristen Gillibrand. Discussions centered around the following AWWA's legislative priorities:

1. PFAS: Support passage of S 1430, the Water Systems PFAS Liability Act, which provides statutory protections from PFAS liability under CERCLA for water systems acting in accordance with all applicable laws and regulations. Reduce the introduction of PFAS into water by controlling it at the source and holding those responsible for contamination accountable while protecting passive receivers of PFAS.
2. Affordability: Support passage of S 3830, the LIHWAP Establishment Act, which would establish a permanent low-income water customer assistance program. This helps to address water affordability while keeping systems sustainable through building a permanent low-income water bill assistance program.
3. Cybersecurity: Secure the nation's water systems through an effective co-regulatory model building off the successes in other sectors of the economy, and keeping known vulnerabilities private so they can be addressed instead of falling into the wrong hands.

4. Investment in the Nation’s Water Infrastructure: Fully fund the Drinking Water and Clean Water SRF programs and the WIFIA program AND halt the practice of diverting funds from annual SRF capitalization grants for earmarks.

Ms. Figler reported the following updates that have occurred since the AWWA Fly-In:

1. CERCLA legislation was introduced to the House of Representatives protecting the water authorities from liability. The EPA issued a memorandum designating PFAS and PFOA as a hazardous substances and stated it does not intend to pursue water utilities
2. The House of Representatives introduced a companion to the state legislation to permanently establish low-income water assistance, which is projected to generate 1.1 billion annually in assistance.
3. Last week a bill was proposed to create a governing body, Water Risk and Resilience Organization (WRRO), which proposes minimum cybersecurity standards for water systems and performs regular audits, with the EPA providing oversight.

Chairman Schad asked that the Authority personnel track the progression of the legislation. Commissioner LaGree inquired to verify that the new LIHWAP program would have the same process as the original program. Mr. Aubertine was not concerned with additional cybersecurity mandates, stating that the Authority already follows the Cybersecurity & Infrastructure Security Agency (CISA) guidelines. Chairman Schad stressed the importance of the legislation protecting water authorities from liability in regard to PFOS and PFOA. Secretary McCracken suggested memorializing these items by resolution at the next Board Meeting.

#### **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 – BRZEZICKI V ECWA – RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**

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

**C-3 FOIL FROM ERIC FENAR - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

**C-4 FOIL FROM WENDEL - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

**C-5 FOIL FROM ATTEA & ATTEA - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

**C-6 LETTER FROM MARY ANN KURZDORFER - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

Chairman Schad wished Ms. Kurzdorfer well on her retirement.

## **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 - AUTHORIZATION TO DEEM FORTY-ONE VENDORS AS STANDARDIZED SINGLE SOURCE VENDORS**

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 - APPOINTMENT OF AN AD HOC MEMBER TO THE ERIE COUNTY WATER AUTHORITY'S INDEPENDENT ETHICS PANEL**

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 - AUTHORIZATION TO ENTER INTO A LEASE MANAGEMENT AGREEMENT WITH THE TOWN OF ORCHARD PARK**

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

**DISCUSSION**  
None

**VOTE**  
Ayes: Three; Commrs. Schad, LaGree and Iannello  
Noes: None

**ITEM 4 - CREATION OF ONE POSITION 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

**VIII. ADJOURNMENT**

Motion by Ms. LaGree seconded by Ms. Iannello carried that the meeting adjourned at 10:01 a.m.

**DISCUSSION**  
None

**VOTE**  
Ayes: Three; Commrs. Schad, LaGree and Iannello  
Noes: None



Terrence D. McCracken  
Secretary to the Authority