

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 June 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
 Jessica R. Brown, Comptroller
 Michael W. Wymer, Senior Production Engineer
 Katherine A. Gillette, Senior Associate Attorney
 David W. Aubertine, Director of Cybersecurity and Information Technology

ATTENDEES: Brian Gould, e3 Communications
 Rebecca Slabaugh, Arcadis of New York
 Karen Casteloes, Arcadis of New York
 Hannah Rockwell, Arcadis of New York

PLEDGE TO THE FLAG

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 Annual Meeting held on Monday, April 29, 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 Annual Meeting held on Monday, April 29, 2024.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

IV. 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 Monday, April 29, 2024.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

V. APPROVAL OF MINUTES

Motion by Ms. LaGree seconded by Ms. Iannello and carried to approve the Minutes of the Meeting held on Monday, April 29, 2024.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

VI. REPORTS

A. SECRETARY

B. LEGAL

1. Executive Session

Discussion relating to proposed or pending litigation pursuant to pursuant to Public Officers Law §105(1)(d).

The above Executive Session has been deferred to the end of the meeting.

C. FISCAL

1. March 2024 Investment Report

Joyce Tomaka distributed the March 2024 Investment Report along with a brief explanation of the report.

2. March 2024 Financial Report

Jessica Brown distributed the March 2024 Monthly Financial Report and briefly reviewed the data.

D. OPERATIONS

1. EPA Lead and Copper Rule Revision Update and Presentation by Arcadis

Rebecca Slabaugh from Arcadis of New York presented the Board an update on the Lead and Copper Rule Revisions Program. Ms. Slabaugh provided an overview of the service line inventory efforts, discussed modeling results and their impact on the Authority, provided updates on funding applications, discussed actions to allow the Authority to complete private-side replacements, gave an overview of public outreach activities, and identified upcoming key decisions and next steps. Discussions took place throughout the presentation.

2. Projects Advertised for Bidding – Formal Contracts

Leonard Kowalski reported on one project advertised for bidding since the last Board Meeting: W-035-B Storage Tank Refurbishing – Sandridge.

E. HUMAN RESOURCES

F. AUDIT COMMITTEE

G. GOVERNANCE COMMITTEE

H. FINANCE COMMITTEE

I. ETHICS COMMITTEE

VII. 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 FOIL FROM ERIC FENAR - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-2 FOIL FROM WENDEL - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-3 FOIL FROM ATTEA& ATTEA - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-4 FOIL FROM WILLIAM MATTAR, P.C. - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-5 FOIL FROM CARMEN ZAGARRIO - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
Commissioner Iannello requested a definition of a “Bid Tab”. Mr. Kowalski replied with the definition.
- C-6 FOIL FROM NEW YORK FOUNDATION FOR FAIR CONTRACTING - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-7 LETTER FROM BRITTANY PENBERTHY - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-8 LETTER FROM CAROL HODGSON - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
Chairman Schad noted that Ms. Hodgson requested the letter be read at the meeting. Ms. Tomaka read the letter and reviewed relevant parts of the Authority’s Tariff. Commissioner Iannello requested Ms. Tomaka respond to Ms. Hodgson with a letter.
- C-9 NOTICE OF CLAIM – BACVAR V ECWA – RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**

VIII. 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.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

ITEM 1 - RESOLUTION IN SUPPORT OF FEDERAL LEGISLATION TO ESTABLISH A PERMANENT LOW INCOME HOUSEHOLD WATER ASSISTANCE PROGRAM

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 IN SUPPORT OF THE WATER SYSTEMS PFAS LIABILITY PROTECTION ACT (S.1430/H.R.7944)

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 - RESOLUTION IN SUPPORT OF FEDERAL LEGISLATION TO OVERSEE WATER SYSTEM CYBERSECURITY

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 - NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) DETERMINATION RELATIVE TO NEW ECWA OPERATIONS CENTER, IDENTIFIED AS CONTRACT NO. LA-007, PROJECT NO. 202300077

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 SUBMIT A REQUEST TO MODIFY AN EFC

FUNDING AGREEMENT FORM RELATIVE TO 36-INCH TRANSMISSION MAIN REPLACEMENT PROJECT, TOWN OF AMHERST, NEW YORK, IDENTIFIED AS CONTRACT NO. W-030, PROJECT NO. 201800074

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

DISCUSSION

On the question, Commissioner LaGree inquired if this was a time extension. Mr. Kowalski responded with an updated timeline for the project.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

ITEM 6 - AUTHORIZATION TO EXECUTE AN OCCUPANCY LICENSE AGREEMENT WITH BUFFALO & PITTSBURGH RAILROAD, INC. RELATING TO TRANSMISSION SYSTEM IMPROVEMENTS, TOWNS OF HAMBURG AND WEST SENECA AND CITY OF LACKAWANNA, NEW YORK, IDENTIFIED AS CONTRACT NO. GP-010, PROJECT NO. 202100035

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

ITEM 7 - AUTHORIZATION TO EXECUTE AN AGREEMENT WITH SERVOMATION REFRESHMENTS INC. RELATIVE TO VENDING MACHINES

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

DISCUSSION

On the question, Commissioner LaGree requested a resolution be placed on the next Board meeting to clarify the identification of the account.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

ITEM 8 - AUTHORIZATION TO ENTER INTO A MAIN EXTENSION SPECIAL AGREEMENT WITH 4280 RESEARCH PARKWAY LLC AND KULBACK'S INC. FOR THE CONSTRUCTION AND INSTALLATION OF APPROXIMATELY 80 LINEAR FEET OF EIGHT (8") INCH PVC WATERMAIN, 78 LINEAR FEET OF EIGHT (8") INCH PVC FOR PRIVATE FIRE PROTECTION SERVICE, 10 LINEAR FEET OF TWO (2") INCH TYPE "K" COPPER FOR DOMESTIC SERVICE, ONE (1) LINE VALVE AND APPURTENANCES, RESEARCH PARKWAY, TOWN OF CLARENCE,

NEW YORK, PROJECT NO. 202400077

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

ITEM 9 - AUTHORIZATION TO ACCEPT THE CONSTRUCTION AND INSTALLATION OF APPROXIMATELY 470 LINEAR FEET OF EIGHT (8") INCH PVC (C-900), ONE (1) HYDRANT AND APPURTENANCES IN CANNON WOODS SUBDIVISION, PHASE 2, TOWN OF CLARENCE, NEW YORK, EC NO. 7262, PROJECT NO. 201900210

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

ITEM 10 - AUTHORIZATION TO ACCEPT THE CONSTRUCTION AND INSTALLATION OF APPROXIMATELY 317 LINEAR FEET OF EIGHT (8") INCH PVC (C-900), ONE (1) HYDRANT AND APPURTENANCES IN NORTHWOODS SUBDIVISION, PHASE 2B, TOWN OF CLARENCE, NEW YORK, EC NO. 7395, PROJECT NO. 202400023

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

ITEM 11 - AWARD OF CONTRACT TO GEITER DONE OF WNY, INC. FOR EXCAVATED MATERIAL REMOVAL AND DISPOSAL 2024 THROUGH 2026, PROJECT NO. 202400027 - \$968,157.00

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

ITEM 12 - AWARD OF CONTRACT TO NIAGARA COATING SERVICES, INC. FOR INDUSTRIAL BLASTING, PAINTING, AND ASSOCIATED MAINTENANCE CONTRACT, PROJECT NO. 202400038 - \$239,851.00

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

ITEM 13 - APPROVAL OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH LAWLEY, LLC FOR RISK MANAGEMENT AND INSURANCE BROKERAGE SERVICES, PROJECT NO. 202100135

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

ITEM 14 - APPROVAL OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH U.S. TRAFFIC CONTROL, INC. FOR EMERGENCY TRAFFIC EQUIPMENT CONTROL RENTAL AND RELATED SERVICES, IDENTIFIED AS CONTRACT NO. UST-001, PROJECT NO. 202100135

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

ITEM 15 - APPROVAL OF AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH JM DAVIDSON ENGINEERING, D.P.C. RELATING TO DISTRIBUTION SYSTEM IMPROVEMENTS, TOWNS OF HAMBURG, CHEEKTOWAGA AND WEST SENECA AND VILLAGE OF DEPEW, NEW YORK, IDENTIFIED AS CONTRACT NO. JMD-001, PROJECT NO. 202100200

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

ITEM 16 - RATIFICATION OF THE INSTALLATION OF HYDRANTS AND VALVES AND RETIREMENT OF EXISTING HYDRANTS AND VALVES - VARIOUS LOCATIONS

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

ITEM 17 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2024 – GUENTHER PUMP STATION REHABILITATION, IDENTIFIED AS CONTRACT NO. GHD-007, \$275,000

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

DISCUSSION

On the question, Commissioner LaGree noted the amount should have been expensed in December 2023. Mr. Kowalski acknowledged the invoice was not received in a timely manner.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

ITEM 18 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2024 – TRANSMISSION MAIN REPLACEMENT, CITY OF LACKAWANNA AND TOWN OF WEST SENECA, IDENTIFIED AS CONTRACT NO. NC-041, \$75,000

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

ITEM 19 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2024 – CORROSION CONTROL PROGRAM MANAGEMENT, IDENTIFIED AS CONTRACT NO. MP-091, \$8,447,400

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

DISCUSSION

On the question, Commissioner LaGree requested clarification on the dollar amount. Mr. Kowalski discussed the grant application associated with the budget transfer. Chairman Schad requested an update on the pipe loop study at the next Board meeting.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

ITEM 20 - LEAD SERVICE LINE REPLACEMENT PROJECT FOR THE CITIES OF TONAWANDA AND LACKAWANNA, THE TOWNS OF AMHERST, CHEEKTOWAGA, CLARENCE, EDEN, HAMBURG, LANCASTER, NEWSTEAD, ORCHARD PARK, AND WEST SENECA, AND THE VILLAGES OF BLASDELL, DEPEW, HAMBURG, LANCASTER, SLOAN, AND WILLIAMSVILLE, NEW YORK PURSUANT TO THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

ITEM 21 - AUTHORIZATION TO SUBMIT THE NEW YORK STATE WATER INFRASTRUCTURE IMPROVEMENT ACT (WIIA) GRANT PACKAGE TO THE NEW YORK STATE DEPARTMENT OF HEALTH AND THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION RELATIVE TO LEAD SERVICE LINE REPLACEMENTS, IDENTIFIED AS CONTRACT NO. MP-091, PROJECT NO. 202200135

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

ITEM 22 - AUTHORIZATION FOR THE PURCHASE OF AN ALGAE ONLINE ANALYZER FROM PP SYSTEMS FOR USE AT THE VAN DE WATER

WATER TREATMENT PLANT, \$56,735.00

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

ITEM 23 - APPROVAL OF AMENDMENT NO. 1 TO THE LEASE AGREEMENT WITH BELL ATLANTIC MOBILE SYSTEMS LLC D/B/A VERIZON WIRELESS FOR LEASE SPACE AT WEHRLE TANK

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

ITEM 24 - AUTHORIZATION TO GRANT A COURTESY REVERSAL OF DELINQUENT CHARGES FOR BGMHC LLC - \$1,621.12

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

ITEM 25 - AUTHORIZATION FOR JO FRONCZAK, MICROBIOLOGIST, TO ATTEND THE FLOWCAM TRAINING IN SCARBOROUGH, MAINE

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

ITEM 26 - CREATION OF ELEVEN POSITIONS OF PUMP MAINTENANCE WORKERS

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

ITEM 27 - CREATION OF EIGHT POSITIONS OF WATER METER REPAIR WORKER I

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

ITEM 28 - CREATION OF SIX POSITIONS OF WATER METER REPAIR WORKER II

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Motion made by Ms. LaGree, seconded by Ms. Iannello to go into Executive Session for the discussion relating to proposed or pending litigation pursuant to Public Officers Law §105(1)(d) regarding the Town of Elma litigation at 11:17 a.m. Mr. Schad invited Terrence McCracken, Joyce Tomaka, Mark Carney, Chuck Eaton, Leonard Kowalski, Jessica Brown and Katherine Gillette.

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 12:10 p.m.

DISCUSSION

Chairman Schad reported that a productive discussion with Counsel regarding the Town of Elma litigation. The Board advised Counsel to reject the pending offer from the Town of Elma to settle on their terms and gave Counsel direction to make a counteroffer and report back.

VIII. ADJOURNMENT

Motion by Ms. LaGree seconded by Ms. Iannello carried that the meeting adjourned at 12:11 p.m.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

Terrence D. McCracken
Secretary to the Authority

ALH