

**MINUTES** of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 20<sup>th</sup> 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  
David W. Aubertine, Director of Cybersecurity and Information Technology  
Matthew W. Barrett, Security Officer

**ATTENDEES:** Pat Quinn, Lawley Insurance

**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 Meeting held on Wednesday, June 5, 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, June 5, 2024.

**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 the end of the meeting.

**B. LEGAL**

## 1. Executive Session

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

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

**C. FISCAL**

## 1. 2023 ACFR Submission

Joyce Tomaka discussed the 2023 ACFR submission with the Board. The Board requested Ms. Tomaka to allow the Board time to review before the submission.

## 2. April 2024 Investment Report

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

## 3. April 2024 Financial Report

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

## 4. Presentation by Lawley

Mr. Quinn, Lawley Insurance, presented an overview of the finalized insurance renewals. Mr. Quinn provided updates and recommendations to the Board. Recommendations given to the Board included a change of insurance carrier for General Liability, Auto Liability and Umbrella Liability coverage and to increase the Excess/Umbrella limits. A brief discussion was held.

#### **D. OPERATIONS**

##### **1. RFPs Published**

Leonard Kowalski reported to the Board one RFP published since the last Board Meeting: Sturgeon Point WTP Surge Control System.

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

**C-2 FOIL FROM SNAP TAX AND LIEN SEARCH - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

**C-3 FOIL FROM SNAP TAX AND LIEN SEARCH - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

**C-4 FOIL FROM SNAP TAX AND LIEN SEARCH - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

**C-5 FOIL FROM SNAP TAX AND LIEN SEARCH - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

**C-6 FOIL FROM SNAP TAX AND LIEN SEARCH - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

**C-7 FOIL FROM SNAP TAX AND LIEN SEARCH - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

- C-8 FOIL FROM SNAP TAX AND LIEN SEARCH - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-9 FOIL FROM SMARTPROCURE - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-10 FOIL FROM DANIEL TELVOCK - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-11 FOIL FROM JAKE'S PROPERTY SOLUTIONS - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-12 FOIL FROM DANIEL TELVOCK - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-13 LETTER FROM DARLENE SIKORSKI - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

The Board thanked Ms. Sikorski for her service and wished her a happy 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 EXECUTE A CISCO SUBSCRIPTION SERVICE AGREEMENT AND TWO CHANGE ORDERS TO CISCO SUBSCRIPTION SERVICE AGREEMENT WITH EPLUS TECHNOLOGY, INC.**

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

#### **DISCUSSION**

On the question, Commissioner LaGree commended the IT department for their cost saving efforts.

#### **VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

### **ITEM 2 - AWARD OF CONTRACT TO AMSTAR OF WNY, INC. FOR STORAGE**

**TANK REFURBISHING – SANDRIDGE, IDENTIFIED AS CONTRACT NO. W-035-B, PROJECT NO. 202300060 - \$1,900,000.00**

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

**DISCUSSION**

On the question, Commissioner Iannello inquired if the contractor had worked for the Authority in prior projects. Mr. Kowalski affirmed that they had. Chairman Schad questioned the price of the contract. Mr. Kowalski reported that the submitted prices have been verified by the consultants.

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 3 - APPROVAL OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH BROWN AND CALDWELL ASSOCIATES TO PROVIDE CONSULTING ENGINEERING SERVICES RELATING TO THE EVALUATION OF CERTAIN TRANSMISSION MAINS FROM THE STURGEON POINT WATER TREATMENT PLANT, IDENTIFIED AS CONTRACT NO. BC-003, PROJECT NO. 202100221**

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

**DISCUSSION**

Chairman Schad noted the fourth whereas and the first resolved should read as follows:

**WHEREAS**, the Authority's Chief Operating Officer and Executive Engineer recommend that the Authority reallocate \$75,000 from Contingency Allowance to Special Services to account for the additional condition assessment; and

**NOW, THEREFORE, BE IT RESOLVED:**

That the Board approves amending the Agreement with Brown and Caldwell Associates to reallocate \$75,000 from Contingency Allowance to Special Services to account for the additional condition assessment; and be it further

Motion by Ms. LaGree and seconded by Ms. Iannello to amend Item No. 3 to read as listed above.

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

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

On the motion as amended,

Motion by Ms. LaGree and seconded by Ms. Iannello to approve the amended Item No. 3.

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 4 - APPROVAL OF AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH NUSSBAUMER & CLARKE, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES 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**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 5 - APPROVAL OF AMENDMENT NO. 2 TO THE CONTRACT WITH PVS NOLWOOD CHEMICALS, INC. FOR THE FURNISHING AND DELIVERING OF FLUOROSILICIC ACID TO THE ERIE COUNTY WATER AUTHORITY FOR USE IN THE TREATMENT OF WATER, IDENTIFIED AS CONTRACT NO. 22-47-12, PROJECT NO. 202200237**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

**ITEM 6 - AUTHORIZATION TO CONTINUE THE USE OF A BANK ACCOUNT AT KEY BANK OF NEW YORK, N.A. FOR THE PURPOSE OF AN EMPLOYEE ACTIVITY ACCOUNT**

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

**DISCUSSION**

On the question, Chairman Schad requested clarification. Ms. Tomaka stated the original resolution was from 1996 and items within the resolution needed updating.

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

**ITEM 7 - AUTHORIZATION TO FILE A RECERTIFICATION OF THE RECORD OF ACTIVITIES FOR ERIE COUNTY WATER AUTHORITY  
COMMISSIONERS JEROME D. SCHAD AND MICHELLE M. IANNELLO**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

**ITEM 8 - 2024-2025 INSURANCE COVERAGE AND AUTHORIZATION TO BIND AND PAY INSURANCE INVOICES**

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 AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2024 WATERMAIN REPLACEMENT, TOWN OF CHEEKTOWAGA, IDENTIFIED AS CONTRACT NO. DA-011, PROJECT NO. 202100031 - \$25,000**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

**ITEM 10 - SALARY INCREMENTS - JULY 1, 2024**

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 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 at 9:58 a.m. Mr. Schad invited Terrence McCracken, Joyce Tomaka, Mark Carney, Chuck Eaton, 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 10:08 a.m.

**DISCUSSION**

Chairman Schad reported that a productive discussion with Staff and guidance was given.

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 Eltoum/Elmalik litigation at 10:09 a.m. Mr. Schad invited Terrence McCracken, Joyce Tomaka, Mark Carney, Chuck Eaton, 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 10:26 a.m.

**DISCUSSION**

Chairman Schad reported that a productive discussion with Counsel regarding Eltoum/Elmalik litigation and guidance was given.

**VIII. ADJOURNMENT**

Motion by Ms. LaGree seconded by Ms. Iannello carried that the meeting adjourned at 10:26 a.m.

**DISCUSSION**



None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

A handwritten signature in black ink, appearing to read 'T. D. McCracken', with a long horizontal flourish extending to the right.

Terrence D. McCracken  
Secretary to the Authority

ALH