

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 19th day of September 2024.

PRESENT: Jerome D. Schad, Chair
Peggy A. LaGree, Vice Chair
Michele M. Iannello, Treasurer
Joyce A. Tomaka, Assistant Secretary to the Authority and Chief Financial Officer
Charles E. Eaton, Chief Operating Officer
Mark S. Carney, General Counsel
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
Katherine A. Gillette, Senior 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:

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 Thursday, August 15, 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 Thursday, August 15, 2024.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

IV. REPORTS**A. SECRETARY**

1. Board Meeting Schedule

Assistant Secretary Tomaka verified with the Board the scheduled dates for the remaining 2024 Board meetings.

2. 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.

Ms. Tomaka updated the Board on a recent email regarding the Authority's annual surveillance review by Fitch Ratings. Ms. Tomaka reported that the Authority has maintained their AA+ rating for the ensuing year. Ms. Tomaka gave a brief overview of what the annual surveillance review involves and commended staff for their hard work to maintain the Authority's AA+ rating.

B. LEGAL

1. Executive Session

Discussion relating to proposed or pending litigation with the Town of Elma pursuant to Public Officers Law §105(1)(d) and §108(3).

The above executive session has been deferred to the end of the meeting.

C. FISCAL

1. July 2024 Investment Report

Joyce Tomaka distributed the July 2024 Investment Report along with a brief explanation of the report. A brief discussion was held.

2. July 2024 Financial Report

Jessica Brown distributed the July 2024 Monthly Financial Report and briefly reviewed the data. A brief discussion was held.

D. OPERATIONS

1. Emergency Declaration

Leonard Kowalski reported to the Board on July 29, 2024 a Declaration of State of Emergency was issued for caustic soda bulk storage cleaning at Van de Water Water Treatment Plant and the events preceding the declaration.

2. Projects advertised for Bidding – Short Form Contracts

Leonard Kowalski reported to the Board one Short Form Contracts that has been advertised for bidding since the last Board Meeting:

- Buoy Installation and Underwater Investigation, PN 202400030

3. RFPs Published

Leonard Kowalski reported to the Board one RFP that has been published since the last Board Meeting:

- Administration of Employee Accounts Flexible Spending Plans, PN 202400173

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 – ALBANO V ECWA – RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP

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

C-3 FOIL FROM CHRISTIAN FIORE - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP

- C-4 FOIL FROM LIEN ONE - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-5 FOIL FROM NORTH AMERICA PROCUREMENT COUNCIL - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-6 FOIL FROM GERRI BUNNELL - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-7 FOIL FROM ADAM BROPHY - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-8 FOIL FROM JAMES ADDISON - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-8 LETTER FROM JOSEPH T. BURNS - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

Commissioner LaGree thanked Mr. Burns for his years of service at the Authority and wished him well in his new endeavors.

- C-8 LETTER FROM RONALD P. BENNETT - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

Commissioner LaGree acknowledged Mr. Bennett's many years of service at the Authority and his expertise in municipal law. The Commissioners wished him well in his 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 ENTER INTO A PREVENTATIVE MAINTENANCE SERVICE AGREEMENT WITH TOSHIBA INTERNATIONAL CORPORATION TO PROVIDE PREVENTATIVE MAINTENANCE SERVICES FOR FIVE TOSHIBA VARIABLE FREQUENCY DRIVES, IDENTIFIED AS CONTRACT NO. TOSH-005, PROJECT NO. 202400029

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 - AUTHORIZATION TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE TOWN OF AMHERST AND LOUIS DEL PRINCE & SONS, INC. IN CONNECTION WITH THE ROYAL PARK SPORTS IMPROVEMENT PROJECT, TOWN OF AMHERST, NEW YORK, PROJECT NO. 202000179

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 - APPROVAL OF CHANGE ORDER NO. 1 OF DN TANKS OF NEW YORK, LLC FOR STURGEON POINT WATER TREATMENT PLANT WASHWATER TANK REPLACEMENT, IDENTIFIED AS CONTRACT NO. MP-088, PROJECT NO. 202100111 - \$97,645.90

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

DISCUSSION

On the question, Commissioner LaGree noted that the Board previously approved a time extension for this project and inquired if the project will be completed this year. Mr. Kowalski replied that the project should be done this year and the only part of the project that may take place next year is the restoration.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 4 - 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

Noes: None

ITEM 5 - SCOTT W. KROLL - APPOINTMENT AS ASSOCIATE ATTORNEY

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

ITEM 6 - CREATION OF ONE POSITION OF PUMP MAINTENANCE CREW CHIEF

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

DISCUSSION

On the question, Commissioner Iannello asked if an employee had left the position. Mr. Kowalski gave a brief overview of the creation of Pump Maintenance Workers from a previous meeting and the creation of this position.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

ITEM 7 - CREATION OF ONE POSITION OF PARALEGAL ASSISTANT

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

ITEM 8 - CREATION OF TWO POSITIONS OF SENIOR ACCOUNT CLERK

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 of two matters relating to the following: Discussion relating to proposed or pending litigation pursuant to Public Officers Law §105(1)(d) and discussion relating to proposed or pending litigation with the Town of Elma pursuant to Public Officers Law §105(1)(d) and §108(3) at 9:49 a.m. Mr. Schad invited Joyce Tomaka, Mark Carney, Chuck Eaton, Jennifer Hibit and Len Kowalski.

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 10:25 a.m.

DISCUSSION

Chairman Schad reported that a productive discussion with staff and Counsel and direction was given to Counsel.

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



Joyce A. Tomaka
Assistant Secretary to the Authority

ALH