

**MINUTES** of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 17<sup>th</sup> day of October 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  
 Steven V. D'Amico, Business Office Manager  
 David W. Aubertine, Director of Cybersecurity and Information Technology  
 Scott W. Kroll, Associate Attorney  
 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, September 19, 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, September 19, 2024.

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**IV. REPORTS****A. SECRETARY****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. August 2024 Investment Report

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

## 2. August 2024 Financial Report

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

**D. OPERATIONS**

## 1. Bid Rejection

Leonard Kowalski reported to the Board the Authority recently requested bids for the purchase of a Portable Diesel Driven Rotary Screw Air Compressor. After review of the one bid received and receiving requests from the vendor for contract changes, the Engineering Department and the Legal Department decided to reject the bid. The Purchasing Department was able to find a similar piece of equipment on a Sourcewell contract for \$13,000 less than the rejected bid.

## 2. RFPs Published

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

- Billing, Printing and Mailing Services, PN 202400152

### 3. AWWA Legislative Priorities Update

Charles Eaton gave the Board an update on the three AWWA legislative priorities for the 118<sup>th</sup> Congress: a bill establishing a Permanent Low Income Household Water Assistance Program, a bill providing liability protection for water systems regarding PFAS and a bill to oversee water system cybersecurity. Mr. Eaton stated that none of these priorities advanced in either house of Congress this session and these will likely be reintroduced in the next Congress.

Mr. Eaton also reported that the EPA approved the Authority's request to utilize federal funds secured earlier this year as Congressionally Directed Spending (or "earmarks") by former Congressman Brian Higgins for the removal of lead services.

Concerning the 2025 federal appropriations process, Senators Charles Schumer and Kirsten Gillibrand and Congressman Tim Kennedy were receptive to the Authority's requests for Congressionally Directed Spending for the 2025 federal fiscal year. Mr. Eaton was pleased to announce the Senate Appropriations Committee's report included a \$1.5 million earmark, and the House committee's report included a separate earmark for slightly more than \$1.1 million. Mr. Eaton also commended Congressman Nick Langworthy responsiveness to staff outreach. Authority staff and government affairs representatives will continue to monitor progress and report developments as they occur.

### 4. Emergency Backup – Fuel Alternative

During the September Budget Hearing, it was discussed that a fuel back-up plan should be available in the event of an emergency. Lavonya Lester reported that the Administration Department has found an effective alternative that would allow for all Authority vehicles to fuel at an offsite location close to the Service Center. Ms. Lester recommends the Authority set up a fleet account with Kwik Fil, which would allow real time view and tracking of all vehicles and fuel usage. It was noted this would be used as a back-up plan in emergencies only.

#### **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 – ROBAK V ECWA – RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**
- C-2 NOTICE OF CLAIM – TOBIN V ECWA – RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**
- C-3 NOTICE OF CLAIM – FLEISCHMAN-SCOTT V ECWA – RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**
- C-4 FOIL FROM EVERETT J. PRESCOTT - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-5 FOIL FROM ROGERS MOSES - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-6 FOIL FROM NORTH AMERICA PROCUREMENT COUNCIL - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-7 FOIL FROM MATTHEW ZEIGLER - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-8 FOIL FROM SMARTPROCURE - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-9 FOIL FROM NEW YORK FOUNDATION FOR FAIR CONTRACTING - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-10 COMMUNICATION FROM JAMES OSTROWKSI - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-11 LETTER FROM STANLEY A. JEMIOLO JR. - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

The Commissioners thanked Mr. Jemiolo for his many years of service, noted he was a great asset to the Authority and wished him well on 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 EXECUTE AN AGREEMENT WITH THE**

**COUNTY OF ERIE FOR THE REFURBISHMENT OF THE SANDRIDGE TANK AND THE CONVEYANCE OF COUNTY PROPERTY AND WATER FACILITIES IN THE TOWN OF ALDEN, PROJECT NO. 202400245**

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

**DISCUSSION**

On the question, Commissioner LaGree asked if this was the original plan for the Sandridge Tank. Mr. Kowalski stated that it was the intention to acquire the assets after the work was completed.

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 2 - AUTHORIZATION TO ENTER INTO A MAIN EXTENSION SPECIAL AGREEMENT WITH ALL SEASONS VM STORAGE, LLC. AND MATT KOLO EXCAVATING, LLC. FOR THE CONSTRUCTION AND INSTALLATION OF APPROXIMATELY 105 LINEAR FEET OF SIX INCH (6") PVC WATERMAIN, 20 LINEAR FEET OF SIX INCH (6") DIP, ONE (1) HYDRANT, ONE (1) TWO INCH (2") CURB STOP AND CURB BOX, TWO (2) VALVES AND APPURTENANCES, BURKE PARKWAY, TOWN OF HAMBURG, NEW YORK, PROJECT NO. 202400178**

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

**DISCUSSION**

On the question, Chairman Schad requested clarification regarding the process. Mr. Kowalski gave a brief overview.

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 3 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH ENVELOPES AND FORMS, INC. D/B/A SUREBILL TO PROVIDE BILLING, PRINTING AND MAILING SERVICES, PROJECT NO. 202400244**

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 - AUTHORIZATION TO EXECUTE A CONTRACT FOR THE PURCHASE OF ONE GENERATOR FOR HARRIS HILL PUMP STATION, TOWN OF CLARENCE, FROM CURTIS POWER SOLUTIONS, LLC, PROJECT NO. 202400153 - \$115,999.00**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

**ITEM 5 - AUTHORIZATION TO EXECUTE A CONTRACT FOR THE PURCHASE OF THREE GENERATORS FOR RICE HILL TANK AND WOHLHUETER TANK, TOWN OF BOSTON, AND TREVETT TANK, TOWN OF COLDEN, FROM KINSLEY POWER SYSTEMS, INC., PROJECT NO. 202400154 - \$77,320.00**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

**ITEM 6 - AWARD OF CONTRACT TO HOHL INDUSTRIAL SERVICES, INC. FOR BUOY INSTALLATION AND UNDERWATER SERVICES FROM NOVEMBER 1, 2024 TO OCTOBER 31, 2025, PROJECT NO. 202400030 - \$104,000.00**

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

**DISCUSSION**

On the question, Commissioner Iannello inquired on the location. Mr. Kowalski replied this contract is utilized at both water treatment plants.

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

**ITEM 7 - APPROVAL OF AMENDMENT NO. 2 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 - \$92,024.00**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

**ITEM 8 - APPROVAL OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH CHA CONSULTING, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES RELATING TO SHERIDAN DRIVE WATER SYSTEM IMPROVEMENTS IN THE TOWN OF AMHERST, IDENTIFIED AS CONTRACT NO. CH-015, PROJECT NO. 202300130 - \$95,000.00**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

**ITEM 9 - APPROVAL OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH TRANSWAVE COMMUNICATIONS SYSTEMS, INC. TO PROVIDE MICROWAVE RADIO MAINTENANCE SERVICES, IDENTIFIED AS CONTRACT NO. TCS-004, PROJECT NO. 202200015 - \$47,000.00**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

**ITEM 10 - APPROVAL OF AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH GREENMAN-PEDERSEN, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES RELATING TO TRANSMISSION SYSTEM IMPROVEMENTS IN THE TOWNS OF HAMBURG AND WEST SENECA AND CITY OF LACKAWANNA, NEW YORK, IDENTIFIED AS CONTRACT NO. GP-010, PROJECT NO. 202100035 - \$189,388.70**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

**ITEM 11 - AUTHORIZATION TO EXECUTE AMENDMENT NO. 4 TO THE PROFESSIONAL SERVICES AGREEMENT WITH RAFTELIS FINANCIAL CONSULTANTS, INC. TO PROVIDE FINANCIAL SERVICES RELATING TO COST OF SERVICE ANALYSIS, RATE MODELING AND FINANCIAL FEASIBILITY ANALYSIS, PROJECT NO. 202000129 - \$30,000.00**

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

**DISCUSSION**

On the question, Commissioner LaGree inquired if the amendment was for work completed in 2024. Ms. Tomaka noted the contract expires in March of 2025 and this amendment is to cover any work the Authority may need completed before the end of the contract.

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

**ITEM 12 - RATIFICATION OF THE INSTALLATION OF WATER DISTRIBUTION SYSTEM REPLACEMENTS AND IMPROVEMENTS AND RETIREMENT OF EXISTING WATER INFRASTRUCTURE - VARIOUS LOCATIONS**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

**ITEM 13 - 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**

On the question, Commissioner Iannello thanked Mr. Eaton for providing a detailed list of the locations.

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello



**ITEM 14 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2024 - VAN DE WATER WATER TREATMENT PLANT RESIDUALS TREATMENT SYSTEM UPGRADES, IDENTIFIED AS CONTRACT NO. GHD-008, PROJECT NO. 201900208 - \$400,000.00**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

**ITEM 15 - ADOPTION OF THE 2025 OPERATING & MAINTENANCE AND CAPITAL BUDGETS AND PARIS SUBMISSION**

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

**DISCUSSION**

On the question, Commissioner LaGree acknowledged the 2025 Budget brought many challenges and extended her gratitude to everyone involved. Commissioner LaGree noted the 2025 Budget responsibly addresses the challenges posed by federal mandates and continues to advance our critical projects in line with our comprehensive strategic plan. Commissioner LaGree stated that budgets reflect values, and this budget communicates the Authority's commitment to investing in the Authority's infrastructure, implementing the initial very significant federal mandates and keeping public health as one of the Authority's key objectives.

Commissioner Iannello thanked everyone for their dedication to the process and agreed with Commissioner LaGree's statement. Commissioner Iannello noted the unfunded mandate for getting the lead out is an important part of taking care of the Authority's customers and their health. Commissioner Iannello recognized the rate increase but felt it was fair and believes it is a step in the right direction in taking care of the community.

Chairman Schad acknowledged the staff's hard work and discussed the Lead and Copper Rule recently adopted but has been coming since 1991. Chairman Schad stated the Lead and Copper Rule will impose on the Authority over a thirteen year period between \$300 and \$350 million dollar burden. Chairman Schad noted the immediate effect for the Authority to protect our rate payers in the long term and even avoid even additional costs, the Authority needs to get all the lead out in three years. Chairman Schad also stated that it is a prudent budget, a responsible budget and it meets our commitment to public health and rate bearers at the same time even though rates need to be raised in order to get there.

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

**ITEM 16 - AUTHORIZATION FOR CLAYTON RUMSEY, ANALYTICAL CHEMIST, TO**

**ATTEND THE AWWA WATER QUALITY TECHNOLOGY CONFERENCE  
IN SCHAUMBURG, ILLINOIS**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

**ITEM 17 - APPROVAL OF AMENDMENT NO. 1 TO THE PREVENTATIVE  
MAINTENANCE SERVICE AGREEMENT FOR SIEMENS VARIABLE  
FREQUENCY DRIVES, IDENTIFIED AS CONTRACT NO. ROB-009,  
PROJECT NO. 202200138**

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

**DISCUSSION**

None

**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 –  
FILTER GALLERY PIPING DESIGN, IDENTIFIED AS CONTRACT NO. MP-  
090, PROJECT NO. 202200014 - \$3,000,000.00**

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

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

**ITEM 19 - CREATION OF ONE POSITION OF WAREHOUSE SUPERVISOR**

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 possible participation in a class action, pursuant to Public Officers Law §105(1)(d) at 9:58 a.m. Mr. Schad invited Joyce Tomaka, Mark Carney, Chuck Eaton, Len Kowalski and Scott Kroll.

**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 10:19 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 10:20 a.m.

**DISCUSSION**

None

**VOTE**

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

Joyce A. Tomaka  
Assistant Secretary to the Authority

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