

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 December 2024.

PRESENT: Jerome D. Schad, Chair
Peggy A. LaGree, Vice Chair (via teleconference)
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
Sabrina A. Figler, Director of Water Quality
Jessica R. Brown, Comptroller
Katherine A. Gillette, Senior Associate Attorney
Lavonya C. Lester, Director of Administration
David W. Aubertine, Director of Cybersecurity and Information Technology
Matthew W. Barrett, Security Officer

ATTENDEES:
Earl Wells III, e3 Communications

PLEDGE TO THE FLAG

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 9:35 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, November 21, 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, November 21, 2024.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

IV. REPORTS**A. SECRETARY**

1. 2025 Board Meeting Calendar

Secretary McCracken presented the Board with the proposed schedule for the 2025 Board meetings.

B. LEGAL**C. FISCAL**

1. October 2024 Investment Report

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

2. October 2024 Financial Report

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

D. OPERATIONS

1. Projects Advertised for Bidding – Formal Contract

Leonard Kowalski reported the list of Formal Contracts that have been advertised for bidding since the last Board Meeting:

- WSA-018 Water System Improvements, Main Replacement, Greiner Road and Goodrich Road, Town of Clarence, PN202200025
- Watermain Materials Purchase Contract, PN 202500004
- Small Services Contract, Area #1, PN 202500001
- Small Services Contract, Area #2, PN 202500002
- Large Services Contract, PN 202500003

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 – ELLIS V. ECWA - RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**
- C-2 FOIL FROM LATESHA MCDONALD - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-3 FOIL FROM NICOLE FALKIEWICZ - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-4 FOIL FROM CHRIS WALLACE - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-5 FOIL FROM KEVIN HELFER - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-6 FOIL FROM KANDEY CO. - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-7 FOIL FROM CYNDI MACIEJEWSKI - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-8 FOIL FROM GINO ZAGARRIO- RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-9 FOIL FROM JOHN ROACH - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-10 FOIL FROM ASHLEY ANDREWS - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-11 FOIL FROM CONSTRUCTION EXCHANGE - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-12 LETTER FROM MICHAEL WYMER - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

The Commissioners expressed their gratitude to Mr. Wymer for his commitment and effort, wishing him all the best 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 ENTER INTO AN AGREEMENT WITH INNOMOTICS, LLC FOR THE UPGRADE OF EXISTING VARIABLE FREQUENCY DRIVES AT STURGEON POINT WATER TREATMENT PLANT AND BALL PUMP STATION, IDENTIFIED AS CONTRACT NO. ROB-010, PROJECT NO. 202400003

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 - AWARD OF CONTRACT TO CONCRETE APPLIED TECHNOLOGIES CORP. D/B/A CATCO FOR WATER SYSTEM IMPROVEMENTS 36 & 42-INCH TRANSMISSION MAIN REPLACEMENT, PROJECT NO. 201800074 - \$14,783,120.00

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

DISCUSSION

On the question, Commissioner LaGree requested clarification on the budget timeline. Mr. Kowalski gave a brief overview of the timeline. Chairman Schad addressed the discrepancy in pricing between the estimated costs and the results of the bidding process. Mr. Kowalski listed current market conditions that contributed to the bid results. Mr. Kowalski also noted the Authority has been awarded a grant of three million dollars for this project.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 3 - AWARD OF CONTRACT TO FOREST MATERIALS, INC. FOR THE FURNISHING AND DELIVERING OF VARIOUS WOOD PRODUCTS TO THE ERIE COUNTY WATER AUTHORITY FROM JANUARY 1, 2025

THROUGH DECEMBER 31, 2025, PROJECT NO. 202500005 - \$24,862.50

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 - APPROVAL OF CHANGE ORDER NO. 1 OF E&R GENERAL CONSTRUCTION, INC. FOR WATER SYSTEM IMPROVEMENTS, TRANSMISSION AND DISTRIBUTION MAINS IN THE TOWNS OF HAMBURG AND WEST SENECA AND THE CITY OF LACKAWANNA, IDENTIFIED AS CONTRACT NO. GP-010, PROJECT NO. 202100035 - \$180,000.00

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

DISCUSSION

On the question, Commissioner Iannello asked for clarification regarding the amended amount. Mr. Kowalski gave a brief summary of the justification for the amendment.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 5 - APPROVAL OF CHANGE ORDER NO. 1 OF AMSTAR OF WESTERN NEW YORK INC. FOR WATER STORAGE TANK REFURBISHING – SANDRIDGE TANK, IDENTIFIED AS CONTRACT NO. W-035-B, PROJECT NO. 202300060

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

DISCUSSION

On the question, Chairman Schad inquired whether the change order pertained solely to an extension of time. Mr. Kowalski confirmed that this was correct.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

ITEM 6 - APPROVAL OF CHANGE ORDER NO. 2 OF DN TANKS OF NEW YORK, LLC FOR SURGEON POINT WATER TREATMENT PLANT WASHWATER TANK REPLACEMENT, IDENTIFIED AS CONTRACT NO. MP-088, PROJECT NO. 202100111 - \$56,385.85

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

DISCUSSION

On the question, Commissioner LaGree asked about the current status of the tank. Mr. Kowalski noted the tank is complete and following the completion of a few minor tasks, it will be operational.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

ITEM 7 - APPROVAL OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES CONTRACT WITH NUSSBAUMER & CLARKE, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES FOR TRANSMISSION MAINS IN THE CITY OF LACKAWANNA AND TOWN OF WEST SENECA, IDENTIFIED AS CONTRACT NO. NC-041, PROJECT NO. 202000072 - \$64,700.00

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. 3 TO THE PROFESSIONAL SERVICES AGREEMENT WITH ARCADIS OF NEW YORK, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES FOR BALL PUMP STATION PHASE 1 REHABILITATION, IDENTIFIED AS CONTRACT NO. MP-086, PROJECT NO. 202000177 - \$100,000.00

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

ITEM 9 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2024 STURGEON POINT FILTRATION SYSTEM IMPROVEMENTS, IDENTIFIED AS CONTRACT NO. MP-090, PROJECT NO. 202200014 - \$4,500,000.00

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

ITEM 10 - SALARY INCREMENTS - JANUARY 1, 2025

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

ITEM 11 - FIRST LONGEVITY INCREMENTS - JANUARY 1, 2025

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

ITEM 12 - ADDITIONAL LONGEVITY INCREMENTS - JANUARY 1, 2025

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

**ITEM 13 - AUTHORIZATION TO AMEND THE WAGE SCHEDULE FOR BI-WEEKLY
EMPLOYEES NOT ELIGIBLE FOR MEMBERSHIP IN A COLLECTIVE
BARGAINING UNIT**

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

ITEM 14 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S TARIFF

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

ITEM 15 - AUTHORIZATION TO AMEND POLICY NO. 11 CODE OF ETHICS & CONFLICTS OF INTEREST OF THE ERIE COUNTY WATER AUTHORITY'S EMPLOYEE POLICIES AND PROCEDURES MANUAL

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

ITEM 16 - AUTHORIZATION TO AMEND POLICY NO. 28 INCLEMENT WEATHER OF THE ERIE COUNTY WATER AUTHORITY'S EMPLOYEE POLICIES AND PROCEDURES MANUAL

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

DISCUSSION

The Governance Committee approved a recommendation by Commissioner LaGree to change verbiage in Section 1.5 from "The Secretary will decide" to "The Secretary will declare".

Motion by Ms. LaGree, seconded by Ms. Iannello to amend Item No. 16 to reflect changes approved by the Governance Committee.

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, seconded by Ms. Iannello to approve the amended Item No. 16.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

ITEM 17 - AUTHORIZATION TO GRANT A COURTESY REVERSAL OF DELINQUENT CHARGES FOR ERIE COMMUNITY COLLEGE - \$1,480.63

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 ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH P&A ADMINISTRATIVE SERVICES, INC. TO PROVIDE THE ADMINISTRATION OF EMPLOYEE ACCOUNTS UNDER INTERNAL REVENUE CODE SECTION 105 (H), SECTION 125 AND SECTION 132 (F)

Motion by Ms. Iannello and seconded by Mr. Schad and carried.

DISCUSSION

None

VOTE

Ayes: Two; Commrs. Schad and Iannello
Noes: None; Commissioner LaGree abstained

VIII. ADJOURNMENT

Motion by Ms. LaGree seconded by Ms. Iannello carried that the meeting adjourned at 9:56 a.m.

DISCUSSION

None

VOTE

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



Terrence D. McCracken
Secretary to the Authority