

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 24th day of January 2025.

PRESENT: Jerome D. Schad, Chair
 Peggy A. LaGree, Vice Chair (via videoconference)
 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
 Jennifer Hibit, Director of Human Resources
 Leonard F. Kowalski, Executive Engineer
 Sabrina A. Figler, Director of Drinking Water Quality
 Jessica R. Brown, Comptroller
 Lavonya C. Lester, Director of Administration
 Katherine A. Gillette, Senior Associate Attorney
 David W. Aubertine, Director of Cybersecurity & IT
 Matthew W. Barrett, Security Officer

ATTENDEES: Earl Wells III, e3 Communications
 Jean O'Connell, J. O'Connell & Associates
 Rick Mancuso, J. O'Connell & Associates
 Katie Kerker, J. O'Connell & Associates

PLEDGE TO THE FLAG

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 9:32 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, December 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, December 19, 2024.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

IV. REPORTS**1. SECRETARY****1. J. O'Connell & Associates – Grant Needs Assessment**

Jean O'Connell presented the Board an overview of services performed to the Authority and discussed future opportunities available to the Authority.

2. 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.

3. FISCAL**1. November 2024 Investment Report**

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

2. November 2024 Financial Report

Jessica Brown distributed the November 2024 Monthly Financial report and briefly reviewed the data. A brief discussion ensued.

4. OPERATIONS**1. Projects Advertised for Bidding – Formal Contracts**

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

- W-035-C, Eden 2 and Newstead Storage Tank rehab project, PN 202300060

- NC-041, Water System Improvements, Town of West Seneca, PN 202000072

2. Final Payment Applications

Leonard Kowalski reported to the Board three completed Final Payment Applications for Engineering Contracts:

- Contract LA-005 – Water System Improvements, City of Tonawanda, PN 202100025
- Contract BL-002 – Water System Improvements, Town of Amherst, PN 202100032
- Contract WE-005 – Water System Improvements, Town of Hamburg, PN 202200055

3. RFP Published

Leonard Kowalski informed the Board that there has been one RFP published since the last Board meeting:

- Consulting Services for Lead Service Line Investigations/ Replacements, PN 202500006

Secretary McCracken opened a dialogue with the Board concerning the severe weather conditions affecting the region and recognized the commitment of the Authority's employees. Mr. Kowalski addressed the number of weather-related leaks that the Authority is responsible for repairing and praised the employees for their efforts. The Commissioners concurred with the expressed sentiments.

5. HUMAN RESOURCES

6. AUDIT COMMITTEE

7. GOVERNANCE COMMITTEE

8. FINANCE COMMITTEE

9. 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 – NEW YORK CENTRAL MUTUAL FIRE INSURANCE COMPANY V ECWA – RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP

- C-2 NOTICE OF CLAIM – REINARD V ECWA – RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**
- C-3 NOTICE OF PETITION – PROVIDENCE FARM COLLECTIVE V ECWA – RECEIVE AND FILE AND REFER TO LEGAL FOR FOLLOW UP**
- C-4 FOIL FROM PHIL PETRONELLI - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-5 FOIL FROM ALEXIS DUDA - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-6 FOIL FROM CAMERON BRADLEY - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-7 FOIL FROM COFORGE - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-8 FOIL FROM RANDY DORAN - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-9 FOIL FROM DONALD JACKSON - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-10 FOIL FROM DERRICK HOUGH - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-11 FOIL FROM EMPIRE CENTER FOR PUBLIC POLICY - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-12 FOIL FROM NYS WATER RESOURCES INSTITUTE - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-13 LETTER FROM BARTLO, HETTLER, WEISS & TRIPI - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-14 LETTER FROM U.S. RENAL CARE - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-15 LETTER FROM ERIE COUNTY DEPARTMENT OF HEALTH - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-16 LETTER FROM DANIEL RUSIN - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**
- C-12 LETTER FROM KATHY SANOK - RECEIVE AND FILE AND REFER TO SECRETARY FOR FOLLOW UP**

The Commissioners thanked Ms. Sanok for her years at the Authority and wished her well in 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

Secretary McCracken informed the Board that Item 4 will be presented prior to Item 3.

ITEM 1 - AUTHORIZATION TO ENTER INTO A SERVICE AGREEMENT WITH TIME WARNER CABLE NORTHEAST, LLC D/B/A SPECTRUM TO PROVIDE AND INSTALL AN ETHERNET PRIVATE LINE SERVICE (FIBER POINT-TO-POINT) AT VARIOUS ERIE COUNTY WATER AUTHORITY LOCATIONS, PROJECT NO. 201800158

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 EXECUTE LICENSE AGREEMENT WITH NIAGARA MOHAWK POWER CORPORATION RELATING TO TRANSMISSION MAINS, CITY OF LACKAWANNA AND TOWN OF WEST SENECA, IDENTIFIED AS CONTRACT NO. NC-041, PROJECT NO. 202000072

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

DISCUSSION

On the question, Chair Shad requested clarification regarding the agreement which Mr. Carney provided.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 4 - New York State Environmental Quality Review Act (SEQRA) Determination Relative to the Acquisition of a Permanent Easement Required for Construction of 48-Inch Transmission Main in the Town of Tonawanda, Project No. 201900104

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 AUTHORIZING THE COMMENCEMENT OF EMINENT DOMAIN PROCEEDINGS TO ACQUIRE A PERMANENT EASEMENT REQUIRED FOR CONSTRUCTION OF 48-INCH TRANSMISSION MAIN IN THE TOWN OF TONAWANDA, PROJECT NO. 201900104

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 - AWARD OF CONTRACT TO KANDEY COMPANY, INC. FOR LARGE SERVICES CONTRACT, FEBRUARY 1, 2025 THROUGH JANUARY 31, 2027, PROJECT NO. 202500003 - \$2,748,015.00

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

DISCUSSION

On the question, Commissioner LaGree asked if there was a price increase from the last contract. Mr. Kowalski stated there is about a 15% increase which is a standard increase. Chair Schad addressed the challenges associated with attracting multiple bidders.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 6 - AWARD OF CONTRACT TO RUSSO DEVELOPMENT, INC. FOR SMALL SERVICES CONTRACT AREA NO. 1, FEBRUARY 1, 2025 THROUGH JANUARY 31, 2027, PROJECT NO. 202500001 - \$3,201,500.00

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 7 - AWARD OF CONTRACT TO RUSSO DEVELOPMENT, INC. FOR SMALL SERVICES CONTRACT AREA NO. 2, FEBRUARY 1, 2025 THROUGH JANUARY 31, 2027, PROJECT NO. 202500002 - \$2,776,500.00

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 8 - AWARD OF CONTRACTS FOR WATERMAIN MATERIALS PURCHASE CONTRACT, MARCH 1, 2025 THROUGH FEBRUARY 28, 2026, PROJECT NO. 202500004

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 9 - AWARD OF CONTRACT TO MILHERST CONSTRUCTION INC. FOR WATER SYSTEM IMPROVEMENTS, TOWN OF CLARENCE, IDENTIFIED AS CONTRACT NO. WSA-018, PROJECT NO. 202200025 - \$4,579,725.00

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

DISCUSSION

On the question, Chair Schad asked whether the contractor was new to the Authority. Mr. Kowalski stated that the contractor has not collaborated with the Authority for several years. Mr. Kowalski also provided the Board with an update regarding the status of their subcontractor's documentation.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 10 - APPROVAL OF CHANGE ORDER NO. 3 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 - \$33,358.28

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

DISCUSSION

On the question, Commissioner LaGree asked for verification on the completion times. Mr. Kowalski discussed the delays associated with the project.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 11 - APPROVAL OF AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES CONTRACT WITH ARCADIS OF NEW YORK, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES RELATING TO EPA LEAD AND COPPER RULE REVISIONS PROGRAM MANAGEMENT, IDENTIFIED AS CONTRACT NO. MP-091, PROJECT NO. 202200135 - \$738,400.00

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 12 - 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 13 - CREATION OF FOUR POSITIONS OF ACCOUNT CLERK

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 14 - APPRECIATION AND RECOGNITION OF ERIE COUNTY WATER AUTHORITY EMPLOYEES FOR THEIR OUTSTANDING SERVICE

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

DISCUSSION

Commissioner LaGree emphasized the Board's gratitude towards the employees of the Authority.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 15 - AUTHORIZATION TO GRANT A COURTESY REVERSAL OF DELINQUENT CHARGES FOR THE CITY OF LACKAWANNA - \$11,209.65

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

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

ITEM 16 - APPROVAL OF AMENDMENT NO. 1 TO THE CONTRACT WITH ADVANCED ANALYTICAL SOLUTIONS, LLC. FOR THE FURNISHING AND DELIVERING OF CHEMISTRY AND MICROBIOLOGY PROFICIENCY SAMPLES AND CHEMISTRY STANDARDS, PROJECT NO. 202400005, CONTRACT NO. 24-02-02

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

DISCUSSION

On the question, Commissioner Iannello asked if there was a change in the project costs. Mr. Kowalski stated that the costs remain the same.

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

Motion made by Ms. LaGree, seconded by Ms. Iannello to go into Executive Session for the discussion relating to proposed or pending litigation regarding Providence Farm Collective pursuant to Public Officers Law §105(1)(D) at 10:16 a.m. Mr. Schad invited Terrence McCracken, Joyce Tomaka, Mark Carney, Chuck Eaton, Katherine Gillette, and Leonard 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 10:48 a.m.

DISCUSSION

Chairman Schad reported that a productive discussion was held and, if needed, Counsel will represent the Authority.

VIII. ADJOURNMENT

Motion by Ms. LaGree seconded by Ms. Iannello carried that the meeting adjourned at 10:49 a.m.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

Terrence D. McCracken
Secretary to the Authority

ALH