




ERIE COUNTY WATER AUTHORITY

INTEROFFICE MEMORANDUM

August 4, 2023

To: Jerome D. Schad, Chair
Peggy A. LaGree, Vice Chair
Michele M. Iannello, Treasurer

From: Joyce Tomaka, Chief Financial Officer 

Subject: Professional Service Agreement with Drescher & Malecki, LLP
PN 201900184

At the meeting of October 3, 2019, the Board approved a professional service agreement for auditing and accounting advisory services for fiscal years ending December 31, 2019, 2020 and 2021 with Drescher & Malecki, LLP (“Drescher”) as well as a subsequent amendment to this agreement approved at the April 7, 2022 meeting to cover fiscal year ending December 31, 2022. This agreement and subsequent amendment are expired on July 31, 2023.

In accordance with Sections 3(a) and 5, the agreement and amendment allow for an additional one-year extension to cover fiscal year ending December 31, 2023 at mutually agreed upon terms.

Drescher has submitted a letter (attached) for an extension maintaining all agreed upon terms and conditions of both the agreement and amendment to cover fiscal year ending December 31, 2023 at the rate of \$38,039.

The Authority is very pleased with their services and wishes to extend the contract for the fiscal year end as well. There is a resolution for the meeting of August 17, 2023 approving the execution of an amendment extending the contract. Thank you.

O&M Budget Information:

Unit: 4000

Line Item No.: 58 – Accounting/Auditing Services

ERIE COUNTY WATER AUTHORITY
AUTHORIZATION FORM
For Approval/Execution of Documents
(check which apply)

Contract: _____ **Project No.:** _____
Project Description: Amendment 2 - Drescher & Malecki, LLP - Contract extension

Item Description:

<input type="checkbox"/> Agreement	<input type="checkbox"/> Professional Service Contract	<input checked="" type="checkbox"/> Amendment	<input type="checkbox"/> Change Order
<input type="checkbox"/> BCD	<input type="checkbox"/> NYSDOT Agreement	<input type="checkbox"/> Contract Documents	<input type="checkbox"/> Addendum
<input type="checkbox"/> Recommendation for Award of Contract	<input type="checkbox"/> Recommendation to Reject Bids		
<input type="checkbox"/> Request for Proposals			
<input type="checkbox"/> Other _____			

Action Requested:

<input checked="" type="checkbox"/> Board Authorization to Execute	<input type="checkbox"/> Legal Approval
<input type="checkbox"/> Board Authorization to Award	<input type="checkbox"/> Execution by the Chairman
<input type="checkbox"/> Board Authorization to Advertise for Bids	<input type="checkbox"/> Execution by the Secretary to the Authority
<input type="checkbox"/> Board Authorization to Solicit Request for Proposals	
<input type="checkbox"/> Other _____	

Approvals Needed:

APPROVED AS TO CONTENT:

<input checked="" type="checkbox"/> Comptroller	<u>Jessica R Brown</u>	Date: <u>8/7/2023</u>
<input type="checkbox"/> Chief Operating Officer	_____	Date: _____
<input type="checkbox"/> Executive Engineer	_____	Date: _____
<input checked="" type="checkbox"/> Director of Administration	<u>Rayna Leste</u>	Date: <u>08/07/2023</u>
<input checked="" type="checkbox"/> Risk Manager	<u>Molly Op Musarra</u>	Date: <u>8/7/2023</u>
<input checked="" type="checkbox"/> Chief Financial Officer	<u>Oppe Imme</u>	Date: <u>08/07/2023</u>
<input checked="" type="checkbox"/> Legal	<u>[Signature]</u>	Date: <u>8/7/2023</u>

APPROVED FOR BOARD RESOLUTION:

<input checked="" type="checkbox"/> Secretary to the Authority	<u>[Signature]</u>	Date: <u>8/7/2023</u>
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Remarks: _____

Resolution Date: _____ **Item No:** _____

DRESCHER & MALECKI LLP

2721 Transit Road, Suite 111
Elma, New York 14059
Telephone: 716.565.2299
Fax: 716.389.5178



July 18, 2023

Jerome D. Schad, ESQ., Chair
Erie County Water Authority
295 Main Street – Room 350
Buffalo, New York 14203

Dear Mr. Schad:

Knowledge of the Erie County Water Authority (the “Authority”), its business operations, and the environment it operates in are essential to audit quality and continuity. We value our relationship with the Authority and propose to extend our contract to provide external audit services for the option year outlined in our proposal.

Drescher & Malecki LLP is committed to continue its exemplary service to the Authority. We formally request the Authority to extend our audit engagement through the fiscal year ending December 31, 2023, at the proposed fee of \$38,039.

If the proposed fee and terms discussed above are agreeable to the Authority, please sign in the space provided and return it to us. Further, a copy has been provided for your records.

Respectfully,

Drescher & Malecki LLP

Accepted and agreed to by:
Erie County Water Authority

By: _____

Title: _____

Date: _____

**AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES
CONTRACT FOR AUDIT AND ACCOUNTING ADVISORY SERVICES**

AMENDMENT, effective August 17, 2023, to the Professional Services Contract, entered into on October 3, 2019, by and between

ERIE COUNTY WATER AUTHORITY
295 Main Street, Room 350
Buffalo, New York 14203

hereinafter referred to as the “Authority”, and

DRESCHER & MALECKI, LLP
3083 William Street, Suite 5
Cheektowaga, New York 14227

hereinafter referred to as “Consultant”.

WHEREAS, on October 3, 2019, the Authority and the Consultant entered into a professional services contract (the “Contract”) providing for audit and accounting advisory services to the Authority for fiscal years ending December 31, 2019, 2020 and 2021; and

WHEREAS, in accordance with paragraph 2(a) of the Contract, the parties may amend the Contract at the discretion of the Authority for fiscal years ending December 2022 and 2023; and

WHEREAS, on April 7, 2022, by Amendment No.1, effective December 22, 2021, the parties extended the Contract for the fiscal year ending December 31, 2022; and

WHEREAS, the parties wish to extend the Contract for fiscal year ending December 31, 2023 pursuant to paragraph 3(a) of the Contract;

NOW, THEREFORE, in consideration of mutual promises herein set forth, the parties agree to the following:

(1) The parties extend the term of the Contract for audit and accounting advisory services for fiscal year ending December 31, 2023; and

(2) The parties agree the terms and conditions of the Contract shall remain in effect through the completion of the December 31, 2023 audit; and

(3) This Amendment may be executed in counterparts, each of which is deemed an original, but all of which together are deemed to be one and the same agreement.

IN WITNESS WHERETO, the parties hereto have caused this Amendment No. 1 to be signed by their respective duly constituted officers, attested and sealed pursuant to proper authority.

ERIE COUNTY WATER AUTHORITY

By _____
Jerome D. Schad, Chair

DRESCHER & MALECKI, LLP

By _____
Luke R. Malecki, Partner

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the ____ day of _____, in the year 2023, before me personally came Jerome D. Schad, to me known, who, being by me duly sworn, did depose and say that he resides in the Amherst, New York, that he is the Chair of the Board of Commissioners for the Erie County Water Authority described in the above instrument, and he signed his name thereto by the authorization of the Board of Commissioners for the Erie County Water Authority.

Notary Public

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the ____ day of _____, in the year 2023, before me personally came Luke R. Malecki, to me known, who, being by me duly sworn, did depose and say that he resides in _____ and is a partner of the firm of Drescher & Malecki, LLP, a limited liability partnership, and that he executed the foregoing instrument in the firm name of Drescher & Malecki, LLP, and that he had authority to sign same, and he did acknowledge to me that he executed the same as the act and deed of said firm of Drescher & Malecki, LLP, for the uses and purposes mentioned herein.

Notary Public