



ERIE COUNTY WATER AUTHORITY
INTEROFFICE MEMORANDUM

October 1, 2018

To: Jerome D. Schad, Chairman
Mark S. Carney, Vice Chairman
E. Thomas Jones, Treasurer

From: Margaret A. Murphy, Attorney
Shari Zajdel, Confidential Secretary/Legal
Anthony Perna, Law Clerk

Subject: 2016-2017 FOIL Audit

Pursuant to Section 13 of the Freedom of Information Policy & Procedures for Accessing Public Records, the Legal Department has been requested to perform a FOIL Audit for calendar years 2016 and 2017. We have gone through all FOIL files, both paper and electronic, for this period using the newly established FOIL checklist. A copy of that FOIL checklist is attached to this memorandum.

2016 FOIL REQUESTS

In 2016, the Erie County Water Authority (the "Authority") received 36 FOIL requests. In reviewing these paper and electronic files, we have determined the following 15 files either had information showing non-compliance with FOIL requirements or lack information to show FOIL compliance. A single failure on any one item constitutes a "failed" file. The details on these 15 "failed" files are listed below:

15 FAILED FOIL FILES

FOIL 2016-0001 January 13, 2016 Brown, Scott (WGRZ)

Request: The total number of employees, both full time and part time, at the Authority for each of the last ten years.

Problem: The FOIL request was forwarded to the Authority's public relations firm, Zeppelin Communications LLC ("ZeppCom"). ZeppCom did not provide or retain any information relating to its response on the Authority's behalf. A second request was sent to the Authority on February 29, 2016 after ZeppCom failed to respond timely to the first request.

FOIL 2016-0002 January 13, 2016 Ramos, Joshua (Ramos & Ramos)

Request: Any work orders/invoices/bills as well as any copies of messages received regarding the broken water pipe on Transit Road from September 15, 2015 until October 20, 2015.

Problem: In its final response, the Authority provided the law firm with all work orders for the requested dates, but never indicated whether the work was done by Authority work crew or whether the Authority was invoiced by outside contractors. The ABO noted these deficiencies in correspondence to the Authority prior to the issuance of its final report.

FOIL 2016-0008 March 2, 2016 Brown, Scott (WGRZ)

Request: Annual increases in the infrastructure charge for customers over the last ten years, and the total number of ECWA employees for the last ten years.

Problem: Scott Brown sent this FOIL request directly to ZeppCom. ZeppCom did not provide or retain any information relating to its response on the Authority's behalf. We did find an email from Sean Dwyer (a ZeppCom employee) to Scott Brown attaching the quarterly, infrastructure investment charges for 2011 through 2016. Due to incomplete information in the file, we were unable to show compliance. The ABO noted these deficiencies in correspondence to the Authority prior to the issuance of its final report.

**FOIL 2016-0009 March 2, 2016 Sledziewski, Candace
(Cunningham Lindsey)**

Request: Any contracts, work orders, or other documents pertaining to a water line break in front of 617 Pleasant View Lancaster, New York; the procedures followed when a water line breaks; any notice provided to the Town of Lancaster; and any request submitted to replace this particular line.

Problem: The Authority provided the work orders relating to the break, but did not respond as to whether the Authority had any written procedures for water line breaks or whether any notice was provided to the Town of Lancaster. The ABO had requested information about this file. The ABO noted these deficiencies in correspondence to the Authority prior to the issuance of its final report.

FOIL 2016-0013

April 29, 2016

Williams, Jordan (WIVB)

Request: Photographs showing ECWA fire hydrants in various states of disrepairs

Problems: The Authority did respond to the FOIL request in a timely manner, but the pictures provided to Mr. Williams were not verified by ECWA staff to be in fact hydrants that the Authority owned and maintained. Once the photographs aired on television, it was brought to the attention of staff that the pictures sent were not hydrants for which ECWA were responsible for their maintenance.

FOIL 2016-0014

May 5, 2016

Irwin, Scott (Smith-Blair, Inc.)

Request: The bid tabulation for a specific water main materials contract.

Problem: The Authority provided the bid tabulation for only the winning bid, but did not provide the information for all bids received. The ABO noted these deficiencies in correspondence to the Authority prior to the issuance of its final report.

FOIL 2016-0016

June 2, 2016

Telvock, Dan (Investigative Post)

Request: The testing protocols for monitoring lead and cooper in tap water; copies of the analysis and testing results of monitoring program; addresses of all cooper and lead service lines, including lines owned privately; copies of all letters and emails sent to ECWA customers regarding its testing protocols, including any letters or emails referencing the water contamination problems in Flint, Michigan.

Problem: The initial response was sent four days late, on June 13, 2016. In the interim, Mr. Telvock sent an additional FOIL request on June 6, 2016 which was timely acknowledged by the Authority on June 13, 2016. On June 24, 2016, Mr. Telvock amended his June 6th request. The Authority sent a letter on July 12, 2016 requesting additional time to respond. On July 26, 2016, the Authority responded to all three requests from Mr. Telvock, except the request for documents regarding a materials survey performed over 20 years ago. The Authority gave a date certain (i.e. August 5, 2016) to provide the survey. On August 5, 2016 the final response and survey were sent.

FOIL 2016-0017 June 7, 2016

Tan, Sandra (Buffalo News)

Request: Copies of the RFP and responses to the RFP relating to a rate study; breakdown on water rates for the last 20 years; breakdown by year of the infrastructure charges; breakdown on the cost of repair and replacement of water lines; employee list by title and salary; general information regarding ECWA customer.

Problem: The Authority timely sent a five-day response on June 13, 2016. An email chain in the file indicates the FOIL request was responded to by ZeppCom. The file contains information that should have been sent to Ms. Tan; however, there is no indicated in the file if the information was actually sent by ZeppCom to Ms. Tan.

FOIL 2016-0019 June 23, 2016

**Pannozzo, Christopher
(Shaw & Shaw)**

Request: All documents pertaining to 14 Dorr Street, West Seneca, New York.

Problem: The Authority timely responded to this request. However, after the Authority send its response, Shaw & Shaw sent a second identical request on August 3, 2016. Nothing in the file to indicate any letter or call was made to Shaw & Shaw regarding this second request.

FOIL 2016-0020 June 28, 2016

Hayes, Tamara (Rupp, Basse)

Request: All documents pertaining to 14 Dorr Street, West Seneca, New York during the following dates: January 1, 2011 through January 31, 2013.

Problem: There is no indication that any response was ever given to this FOIL request. Ms. Hayes sent a second request for the same information on October 17, 2016. Timely responses were sent for the second FOIL request. The ABO noted the deficiencies in not responding to the first request in correspondence to the Authority prior to the issuance of its final report.

FOIL 2016-0025

July 26, 2016

Ciotta, Rose (WIVB)

Request: Information on water pipe breaks for the years 2011, 2012, 2013, 2014, 2015, and 2016; a report, study, or memo that led the Authority to first impose a infrastructure fee to water customers' bills; a report, study, or memo that led the Authority to raise water rates as of January 1, 2016; and a report, study, or memo on the extent of leaking water pipes throughout Erie County.

Problem: After an initial letter was timely sent, the Authority sent a letter via email to Rose Ciotta, on August 22, 2016, indicating additional time was needed to provide the documents requested. The FOIL request was then sent to ZeppCom. No indication in the file that any response was sent by ZeppCom. The ABO noted these deficiencies in correspondence to the Authority prior to the issuance of its final report.

FOIL 2016-0030

August 29, 2016

Specht, Charlie (WKBW)

Request: Any and all correspondence between the management and staff of the Authority from June 19, 2016 to June 29, 2016 relating to water main breaks; any and all correspondence between the management/staff of the Authority and Michael Caputo from June 19, 2016 to June 29, 2016 relating to water main breaks; any and all correspondence between the management/staff of the Authority and employees of Erie County and the Town of Amherst, from June 19, 2016 to June 29, 2016 relating to water main breaks; and any and all policies and procedures relating to public notification after water main breaks and other emergencies.

Problem: The FOIL file contains a copy of the initial and final letters. However, the file does not contain the information sent in response to this FOIL request. Mr. Specht sent an email to an Authority attorney acknowledging receipt of some information, but also indicated problems with the completeness of the information received. The ABO noted these deficiencies in correspondence to the Authority prior to the issuance of its final report.

FOIL 2016-0031

October 6, 2016

Zydel, Rick (New Frontier)

Request: For the current emergency repair contract, provide the bid specification and the bid results based on the unit, quantity and the dollar amount submitted by each bidder.

Problem: The Authority provided the itemized bid documents for the winning bid, but failed to provide information submitted by other bidders. The Authority also denied having the bid specifications. The ABO noted these deficiencies in correspondence to the Authority prior to the issuance of its final report.

FOIL 2016-0032 October 28, 2016 Telvock, Dan (Investigative Post)

Request: (1) The complete results of the 2016 lead and copper rule testing for each home sampled for lead in drinking water; (2) the complete addresses including zip codes of the homes sampled in the lead and copper rule testing for the 2016 round for lead in drinking water; and (3) Email communications between ZeppCom employees/interns and any ECWA employees or board members for the period of Jan 1, 2016, to Oct. 28, 2016.

Problem: The Authority sent a timely five-day response, but its interim response letter was sent two days late, on December 1, 2016. In the interim response, the Authority asked for a more descriptive request regarding the communications via emails. Mr. Telvock never gave a more descriptive request; instead he filed an appeal with the Board. (Appeal discussed below).

FOIL 2016-0035 November 8, 2016 Heaney, Jim (Investigative Post)

Request: Copy of the ZeppCom contract; copies of the RFP and all response to the RFP for public relation services; copies of all notes and other communications relating to the selection of public relations firm; copies of all written communications between ZeppCom and the Authority; and all ZeppCom invoices.

Problem: The Authority timely sent a five-day response. On December 1, 2016, the Authority sent a timely interim response, but requested a “more descriptive request regarding written communications, texts and emails” between the Authority and ZeppCom.

On December 23, 2016, Mr. Heaney sent an email indicating that his original request was descriptive enough for FOIL purposes, but then narrowed his request to specific individuals within the Authority with whom ZeppCom may have communicated. This clarification was treated as a new FOIL request; however, Authority staff refused to conduct a review of such communications and never sent a response to the request.

The ABO specifically requested an explanation as to why no response was sent and

why the request was denied.

ONE DISPUTED, “PASSED” FILE

FOIL 2016-0021 July 8, 2016

Pinker, Talia

There is one additional 2016 FOIL request that drew criticism from the ABO. On June 13, 2016, Talia Pinker requested information regarding the volume of drinking water tested, delivered and billed to ECWA customers between 1990 and 2015, as well as information as to the demographics of these customers. The Authority responded to her request and produced the information she requested in a timely manner. In its response, the Authority told Ms. Pinker some the information she requested was available in the CAFR report, which could be found on the Authority’s website.

The ABO stated the Authority should have given her specific page references to the CAFR report. Despite these comments from the ABO, we found the Authority’s final response was appropriate and timely and did not violate any FOIL provision. The file, therefore, passed the FOIL Audit.

2016 APPEALS

FOIL 2016-0032 October 28, 2016

Telvock, Dan (Investigative Post)

The Authority sent a timely five-day response, but its interim response letter was sent two days late, on December 1, 2016. In the interim response, the Authority asked for a more descriptive request regarding the email communications. Mr. Telvock never gave a more descriptive request; instead he filed an appeal with the Board.

The Board denied the appeal by resolution at its December 15, 2016 meeting. The Secretary informed Mr. Telvock his appeal was denied; however, the correspondence does not indicate a certified copy of the resolution was sent to Mr. Telvock. The file does not show whether the Committee on Open Government was given copies of the appeal and/or the Board’s decision/resolution.

2017 FOIL REQUESTS

In 2017, the Authority received 28 FOIL requests. In reviewing these paper and electronic files, we have determined the following 5 files either had information showing non-compliance with FOIL requirements or lack information to show FOIL compliance. The details on these 5 “failed” files are listed below:

5 FAILED FOIL FILES

FOIL 2017-0009 April 13, 2017

**Gazda, Bryan
(Village of East Aurora)**

Request: The final written summary prepared by Raftelis Financial Consultants regarding the Cost of Service and Rate Structure Review as identified in the Authority minutes of November 16, 2016.

Problem: Although this request was received, it was never assigned to an attorney to handle. Consequently, the Authority never sent an initial five-day response. After a second request was made on May 26, 2017, the file was assigned to an attorney and the requested report was sent on May 30, 2017. The ABO noted the deficiencies in correspondence to the Authority prior to the issuance of its final report.

FOIL 2017-0013 May 11, 2017

Gerace, Michelle (JW Danforth)

Request: The bid result and the bid award for the following: Heating, Ventilating, and Air Conditioning and Preventative Maintenance for the time period between July 1, 2015 and June 30, 2017.

Problem: The Authority did not handle this matter as a FOIL request. When email was received, the information was immediately sent via email, but the attachments to the email were not retained. We have the email and acknowledgement from the requester showing the information was received. No formal five-day letter acknowledging the FOIL request was prepared and no FOIL file was opened. Otherwise, the information was provided as requested.

FOIL 2017-0014 May 24, 2017

**Ward, Daniel
(Amherst Democratic Club)**

Request: Copies of the current Authority personnel roster and salary schedule.

Problem: The Authority did not respond to the original FOIL request. Mr. Ward made a second request for the same information on July 26, 2017. We only have the second request, not his original request. A final response to the second request was sent via email on August 2, 2017.

FOIL 2017-0017 June 7, 2017

Tan, Sandra (Buffalo News)

Request: Phillips Lyle invoices relating to the Investigative Post matter and all related documents relating the subject and purpose of the engagement; the budgeted amount and actual expenditures for the engagement; and copies of all legal retainer agreements between 2015 and 2017.

Problem: An initial response was timely sent to Ms. Tan. Ms. Tan agreed to extend the time for the Authority to submit her response to July 20, 2017. The Authority sent an interim response on July 21, 2017, one day passed the extension period granted by Ms. Tan. An interim response indicated a final response would be sent by August 3, 2017. On August 3, 2017, the Authority sent the redacted invoices and a single email containing no privileged communication. Ms. Tan appealed to the Board regarding the redactions.

FOIL 2017-0028 November 21, 2017

**Toni, Michelle
(Mark Cerrone, Inc.)**

Request: Copies of bid tabulations for Emergency Water Main Repair Contract for June 6, 2017 and July 25, 2017.

Problem: The Authority prepared a first and final response that was sent out one day late.

THREE DISPUTED, "PASSED" FILE

FOIL 2017-0008

March 24, 2017

McNaughton, Timothy (IBEW)

Request: Copies of certified weekly payroll reports; copies of job meeting minutes for the above referenced project or work in which Kaman Automation, Control and Energy participated in or was mentioned; copies of any "Clerk of the Works" daily reports or daily log sheets for Kaman Automation, Control and Energy was mentioned; copies of the General Contractors sealed bid list naming the electrical sub-contractor performing the electrical work and the amount to be paid to the electrical sub-contractor.

The initial/ final response was timely sent on March 31, 2017 because the FOIL request was received by the Authority on March 24, 2017 (although the letter was dated March 22, 2017). In the final response, the Authority stated Kaman Automation had not started work on the project.

The ABO questioned why the Authority claimed the project had not begun when the Authority had made two payments to the contractor. Those payments were for equipment costs, not wages. The FOIL request never requested payments made to the contractor, only requested payments that would later be made to an electrical sub-contractor. We have no information as to whether the Authority responded to the ABO prior to the issuance of its final report.

FOIL 2017-0011

April 27, 2017

Porat, Daniela (Investigative Post)

Request: Records pertaining to financial transactions between the Authority and Buffalo Protection and Investigation, Inc.

Both the initial and final responses were timely given to the Investigative Post. The attorney assigned to the FOIL request contacted Ms. Porat, informing her certain requested information in its original format were in storage and would be costly to retrieve. Ms. Porat and the Authority's attorney agreed to an alternative method to provide Ms. Porat with the information requested. The information was then sent to Ms. Porat in a timely fashion.

The ABO questioned why it was unable to find any line item in the Board's report relating to Buffalo Protection. This question does not appear to relate to the whether the Authority complied with the FOIL request, but related to the reporting of expenditures to the Board. There is no indication in the FOIL file whether the Authority ever responded to this question.

The ABO also asked why the Authority only sent one invoice to Investigative Post. The question suggests that the ABO was not given access to the email response given to Ms. Porat. The information given to Ms. Porat was complete and therefore, we determined the FOIL file passed the audit.

FOIL 2017-0024 September 13, 2017 Holly Park (Bouvier Law)

Request: All records in ECWA's possession regarding reports, minutes, resolutions, statements, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, rules, regulations or codes including notices, warnings, notices of claim, written complaints, notices of falls, trips or defects in the sidewalk and property adjacent or pertinent to: 6 Fair Woods Drive in the Village of Williamsville, New York (including a nearby section on the west side of Hopkins Road in the Town of Amherst, approximately 140 feet south of its intersection with Fair Woods Drive).

The Authority responded in a timely fashion, sending all relevant documents. Since the Authority specifically stated that it had provided all documents responsive to the FOIL request, we determined the file passed the audit. The ABO, however, noted the Authority did not itemize the documents sent in its final response letter nor specifically stated the Authority did not possess certain type of documents.

2017 Appeal

FOIL 2017-0004 February 10, 2017 Furlong, Richard (Lipsitz Green)

On February 10, 2017, Richard Furlong requested documents relating to work completed by CRM Contracting, Inc. in the period between 2015 and 2017. These requested documents included copies of the certified payroll records, inspection logs, proof of workers' compensation, OSHA 10 certification and other documents required for contractors working for the State of New York. The Authority only had the certificate for worker's compensation. Purchasing had never requested or required the contractor to provide the Authority with certified payroll records, inspection logs, or OCHA 10 certification. Consequently, the Authority responded to the FOIL request by giving Mr. Furlong the only document within the Authority's possession responsive to his request – the worker's compensation certificate.

Mr. Furlong appealed to the Board. The Board denied the appeal on the ground that the Authority had send "the only document in existence that was responsive to [his] request." A copy of the appeal and the Board's decision was sent to the

Committee on Open Government.

FOIL 2017-0005 February 10, 2017 Furlong, Richard (Lipsitz Green)

On February 10, 2017, Richard Furlong requested copies of certified payroll records for Global Painting and Contracting, Inc. relating to the refurbishing of water tanks. The Authority timely responded to Mr. Furlong's request, providing him with copies of the certified payroll records with the names and addresses of the Global employee redacted, citing for support a recent decision issued by the Appellate Division for the Third Judicial Department. Mr. Furlong demanded the names and addresses, citing a decision issued by an Erie County Supreme Court justice, which had been affirmed without opinion by the Appellate Division for Fourth Judicial Department.

Mr. Furlong appealed. The Board denied the appeal, citing to the decision of the Third Department. A copy of the appeal and the Board's decision was sent to the Committee on Open Government.

FOIL 2017-0017 June 7, 2017 Tan, Sandra (Buffalo News)

On August 9, 2017, Ms. Tan sent an email to the Chair of the Authority, copying all Commissioners and other Authority staff. On August 10, 2017, the Secretary sent a letter to Ms. Tan, enclosing the Authority's FOIL Policy. Thereafter, Ms. Tan sent the appeal again on letterhead, dated August 9, 2017, via mail.

On August 18, 2017, an Authority attorney sent an internal memorandum to the Chair and the Secretary regarding the appeal.

On September 14, 2017, Ms. Tan sent an email, asking if the Authority had received her mailed correspondence regarding the appeal. On September 14, 2017, the Secretary sent a letter to Ms. Tan, indicated the appeal letter was received by the Authority on September 11, 2017. On October 5, 2017, the Board passed a resolution denying Ms. Tan's appeal in its entirety. The same day, Chairman Robert Anderson sent a letter to Ms. Tan informing her that her appeal had been denied and copied the Committee on Open Government on the letter. On October 6, 2017, the Secretary sent a letter to the Committee on Open Government ("COOG") with "pertinent information" relating to the appeal. There is no indication in the file what "pertinent information" was sent to the COOG.

Pursuant to Public Officers Law § 89(4)(a), the Board has only ten (10) business days to respond to the appeal. The file does not contain the envelope sent by Ms. Tan to the Authority with her request. That envelope would have been timed-

stamped showing the date of when the appeal was received. Without this envelope, we are unable to determine whether the appeal was timely filed, or if the Board timely rendered its decision.

RECENT IMPLEMENTATED FOIL PROTOCOLS

Most of the problems indicated in this FOIL Audit stem two facts. First, there was no formal procedure to assign or track the progress of the individual handling the request. Consequently, files fell through the cracks. Second, there was no calendaring system in place to note deadlines. The Secretary to the Authority and the Legal Department have now implemented the following protocols to handle and respond to FOIL request.

- FOIL requests are logged in by date from the email portal.

Most FOIL requests are received by email, and therefore, have the exact date and time when a FOIL request is received. If FOIL requests are mailed, the envelopes are time-stamped. Unfortunately, these envelopes are not always retained in the FOIL file. When a FOIL request is not received through the mail, the written request and the time-stamped envelope are scanned and email to the email portal (foil@ecwa.org). This email portal now is the record of when FOIL requests are received and logged in.

- The email portal also records when and how the Authority responds to a FOIL request.

Since most FOIL requests are received by email, any initial, interim or final responses sent by the Secretary are emailed to the FOIL requester, along with responsive documents in electronic format. If a written request is received through the mail, any initial, interim, or final responses will also be sent by mail. However, moving forward, all FOIL responses sent by via mail will also be scanned and email to the Secretary from the email portal for the purpose of creating a record showing the date when the response was mailed. The email sent to the Secretary will state, "Hardcopies of the attached documents were mailed today in response to the FOIL request."

- As soon as a FOIL request is received, copies of the request are emailed to the Commissioners, the Secretary and Trish Fabozzi. Trish Fabozzi then places the FOIL request on the Board's next agenda as a "Communications."

- FOIL requests are recorded in the Legal Department's Legal Log.

The Legal Department has created a Legal Log file in Excel. In Legal Log, FOIL requests are recorded and tracked.

Under the Assignment tab, the FOIL request is assigned to a particular attorney to handle. These assignments become part of the weekly staff report submitted weekly to department heads.

Under the FOIL tab, FOIL requests are logged in, using fields: (1) to assign file numbers, (2) to list the name of the requester and organization, (3) to record the date the FOIL request was received, (3) to calculate and calendar deadlines, (4) to record the date when the item was placed on the Board's agenda, and (5) to briefly describe the information requested. The spreadsheet is searchable and the fields can be sorted and filtered.

- FOIL Checklist is prepared to track the progress and stage of each response.

The Legal Department created the FOIL Checklist so attorneys assigned to FOIL files will be conscious of deadlines and method used to track the stage and progress of each request.

ATTACHMENTS

FOIL Checklist

2016 FOIL Excel Spreadsheet

2017 FOIL Excel Spreadsheet



ERIE COUNTY WATER AUTHORITY

Freedom of Information Law (FOIL) Audit

FOIL 20 - _____ **AUDIT:** **Pass** **Fail**

FOIL Date: _____ Email Letter 5-Day Deadline: _____

Board Agenda Date: _____ 20-Day Deadline: _____

Requester: _____ Address: _____

Email Address: _____ Phone: _____

Initial Response Date: _____ Sent within 5-days? Yes No

Initial Response Sent: Email Mail Initial Response in File? Yes No

Supplemental Response Needed? Yes No Interim Final

Next Steps: Check All Applicable Boxes **Assigned to:** _____

Contact Requester to clarify FOIL request. Request has been: Revised Withdrawn

Forward FOIL request to: _____ Dept: _____

Prepare privilege log Provide privilege log to Board

Other _____

Responsive documents sent No responsive documents after diligent search

Filed: Hard copy Electronic : I: Legal/FOIL/ _____

Interim Response Date: _____ Sent within 20-days? Yes No

Interim Response Sent: Email Mail Interim Response in File? Yes No

Final Response Sent: _____ Final Timely Sent? Yes No

Final Response Sent: Email Mail Interim Response in File? Yes No

Appeal: Yes No Appeal Received: _____ Email Letter

Decision Date: _____ Sent within 10-days? Yes No

Appellate record sent to Committee on Open Government (COOG) on : _____

Decision sent to Appellant and COOG on : _____

FILE NO.	REQUESTER (Last, First [ORG])	FOIL DATE	5-DAY DEADLINE	INITIAL RESPONSE DATE	20-DAY DEADLINE	BOARD AGENDA DATE	NATURE OF REQUEST	APPEAL	APPEAL DECISION DEADLINE	PASS FAIL	OPEN CLOSE
2016-0001	Brown, Scott (WGRZ)	01/13/16	01/20/16	02/29/16	03/29/16		Payroll information for all current union and exempt employees including job titles and hiring dates.			F	C
2016-0002	Ramos, Joshua (Ramos & Ramos)	01/13/16	01/20/16	01/20/16	02/18/16		information regarding broken pipe on Transit Road from 9/15/15 through 10/20/15			F	C
2016-0003	Brown, Scott (WGRZ)	02/04/16	02/11/16	02/05/16	03/04/16		Current Lease for 295 Main Street, Room 350			P	C
2016-0004	Ramos, Joshua (Ramos & Ramos)	02/04/16	02/11/16	02/09/16	03/08/16		Broken pipe on Transit Road from August 1, 2015 through September 15, 2015				C
2016-0005	Ranger. Debb	02/08/16	02/15/16	02/10/16	03/09/16		Copies of the General Liability Ceretificate of Insurance.			P	C
2016-0006	Brown, Scott (WGRZ)	02/08/16	02/16/16	02/10/16	03/09/16		information on outside legal work per year for the past five years, by law firm.			p	C
2016-0007	Brown, Scott (WGRZ)	02/16/16	02/23/16	02/19/16	03/18/16		Annual rate increases over past 10 years			P	C
2016-0008	Brown, Scott (WGRZ)	03/02/16	03/09/16	03/04/16	04/01/16		Annual inceases in infrastructure charge for past 10 years.			F	C
2016-0009	Sledziewski, Candace (Cunningham Lindsey)	03/02/16	03/09/16	03/02/16	03/30/16		Communications concerning watermain break at 617 Pleasant View, Lancaster; Was Town of Lancaster put on notice and was a request submitted to replace the line.			F	C
2016-0010	Thomas, Anthony (Republic Services)	03/16/16	03/23/16	03/16/16	04/13/16		Bid by Modern Diposal for Project #201600021, pick-up hauling and disposal of Aluminum-Based Residuals, Zebra Mussel and Other Debris and waste.			P	C

FILE NO.	REQUESTER (Last, First [ORG])	FOIL DATE	5-DAY DEADLINE	INITIAL RESPONSE DATE	20-DAY DEADLINE	BOARD AGENDA DATE	NATURE OF REQUEST	APPEAL	APPEAL DECISION DEADLINE	PASS FAIL	OPEN CLOSE
2016-0011	Fitz, Allison (Modern Disposal Services)	03/16/16	03/23/16	03/16/16	04/13/16		Itemized breakdown of Allied Waste Services bid proposal for Project No. 201600021 for pickup, hauling and disposal of Aluminum-Based Residuals, Zebra Mussels and other Debris and Waste			P	C
2016-0012	Luly, Christine Hannotte	03/22/16	03/29/16	03/22/16	04/19/16		Water Tower in Hamburg located off of South Park Avenue between the NYS Thruway and exit 75			P	C
2016-0013	Williams, Jordan (WIVB)	04/29/16	05/06/16	04/29/16	05/27/16		Photos showing fire hydrants in various states of disrepair from 2011 to current			F	C
2016-0014	Irwin, Scott (Smith-Blair, Inc.)	05/05/16	05/12/16	05/06/16	06/03/16		Bid tabulation for Project No. 201600001 - Water works material for Water Department			F	C
2016-0015	Pinker, Talia	05/25/16	06/01/16	05/26/16	06/23/16		drinking water treated, delivered, billed - 1990-2015- Buffalo			P	C
2016-0016	Telvock, Dan (Investigative Post)	06/02/16	06/09/16	06/13/16	07/11/16		Testing protocols for water tap testing under Lead and Copper Rule; Full detailed analysis & testing results of lead & copper monitoring program that tests drinking water in homes for most recent five years of testing; locations by address where there exists lead service lines; copies of correspondence sent to customers re water testing protocols or correspondence that references water contamination problems in Flint, Michigan during the period 1/1/14/to 6/16.			F	C

FILE NO.	REQUESTER (Last, First [ORG])	FOIL DATE	5-DAY DEADLINE	INITIAL RESPONSE DATE	20-DAY DEADLINE	BOARD AGENDA DATE	NATURE OF REQUEST	APPEAL	APPEAL DECISION DEADLINE	PASS FAIL	OPEN CLOSE
2016-0017	Tan, Sandra (Buffalo News)	06/07/16	06/14/16	06/13/16	07/11/16		Rate study. Water rates, infrastructure charge dating back to fee's inception, breakdown of amount of money spent on pipe repair and replacement for past 20 years,			F	C
2016-0018	Pinker, Talia	06/13/16	06/20/16	06/14/16	07/12/16		specific questions re response to 6/8/16 foil			P	C
2016-0019	Pannozzo, Christopher (Shaw & Shaw)	06/23/16	06/30/16	06/28/16	07/26/16		All files and documents for account of Karen Candler from 1/1/2011 through 1/31/2013			F	C
2016-0020	Haynes, Tamara (Rupp, Baase, Pfalzgraf, Cunningham, LLC)	06/28/16	07/05/16	10/21/16	11/18/16		All files and documents for account of Karen Candler from 1/1/2011 through 1/31/2013			F	C
2016-0021	Pinker, Talia	07/08/16	07/15/16	07/14/16	08/11/16		drinking water treated, delivered, billed - 1990-2015- Amherst, Hamburg, Direct Service			P	C
2016-0022	Reistter, Eric (Travelers)	07/19/16	07/26/16	07/20/16	08/17/16		Any records pertaining to an automobile accident on 3/28/16.			P	C
2016-0023	Ciotta, Rose (WIVB)	07/22/16	07/29/16	07/26/16	08/23/16		Current contracts for Public relations services; most recent RFP for PR services; responses to RFP			P	C
2016-0024	Brown, Steven (WGRZ)	07/26/16	08/02/16	07/26/16	08/23/16		Water on demand experience from 7/12/16 through 7/25/16			P	C
2016-0025	Ciotta, Rose (WIVB)	07/26/16	08/02/16	07/27/16	08/24/16		Documentation supporting decision to impose reconstruction fee; documentation that led ECWA to raise water rates as of 1/1/16; documentation on extent of leaking pipes throughout Erie County.			F	C
2016-0026	Preval, Jeff	07/26/16	08/02/16	07/28/16	08/25/16		water testing and information re water pipe/infrastructure breaks and leaks occurring between 7/20/16 and 7 /26/16.			P	C

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2016-0027	Funke, Dolores	07/27/16	08/03/16	07/28/16	08/25/16		Any and all information pertaining to the site selection criteria under the Lead and Copper rule; Tier 1 sampling sites selected for the sampling pool for testing period 2002-2014;documentation of ECWA'a corrosion control studies at the 2 treatment plants in the 1990's.			P	C
2016-0028	O'Brien, Barbara (Buffalo News)	08/08/16	08/15/16	08/09/16	09/06/16		Quantity of water pumped during May, June, July and August 2016 and 2015; five days w/highest numbers; if any of high days set a record.			P	C
2016-0029	Christopher, Mary (First Order, LLC)	08/22/16	08/29/16	08/24/16	09/21/16		Site plans for water, storm water or as-builts for 3120 Orchard Park Road, West Seneca.			p	C
2016-0030	Specht, Charles (WKBW)	08/29/16	09/05/16	09/02/16	09/30/16		Correspondence between management and staff of ECWA from 6/19/16 to 6/29/16 relating to watermain breaks; Correspondence between ECWA and Michel Caputo for the same time period; correspondence between ECWA and Erie County and/or town of Amherst for same time period relating to watermain breaks; policies and procedures relating to public notification after water main breaks and other emergencies.			F	C
2016-0031	Zydel, Rick (New Frontier Excavating & Paving, Inc.)	10/06/16	10/13/16	10/13/16	11/10/16		Copies of itemized bid results for current contract for Emergency Maintenance and Repair of watermain breaks			F	C

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2016-0032	Telvock, Dan (Investigative Post)	10/28/16	11/04/16	10/28/16	11/25/16		Results of ECWA's 2016 lead and copper testing for each home sampled; email communications between Zeppelin Communications, Michael Caputo of Zeppelin Communications and ECWA from 1/1/16 through 10/28/16	Y	12/15/16	F	C
2016-0033	Telvock, Dan (Investigative Post)	10/28/16	11/04/16	10/28/16	11/25/16		Water sampling instructions used in 2010 and 2013 for homes that participated in the lead and copper rule program			p	C
2016-0034	Kroll, Scott (Erie County Comptroller)	11/07/16	11/14/16	11/10/16	12/08/16		Consumption (metered and/or billed) for all accounts on Lombardy Street for 2015			P	C
2016-0035	Heaney, Jim (Investigative Post)	11/08/16	11/15/16	11/16/16	12/14/16		Zeppelin Communications contract, RFPs and bid(s) documents; all correspondence with Zeppelin from date of contract; reimbursement requests submitted by Zeppelin.			F	C
2016-0036	Schlossin, Wesley (IUPAT District Council 4)	12/28/16	01/04/17	12/28/16	01/25/17		payroll records and inspector logs for repainting of Eden Water Tank by Global Contracting and Painting.			P	C

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2017-0001	Meyne, David (CSX)	01/04/17	01/11/17	01/07/17	02/03/17		Watermain Break, Broadway Ave. on 12/26/17			P	C
2017-0002	Recker, Ben (Chelipis & Associates)	01/06/17	01/13/17	01/10/17	02/07/17		Water & Sewer bills for January 1, 2016 through December 31,2016			P	C
2017-0003	Zunner, Ryan	02/09/17	02/16/17	02/13/17	03/13/17		Communications and reports on water quality at Hilbert College			P	C
2017-0004	Furlong, Richard (Lipsitz, Green Scime, Cambria)	02/10/17	02/17/17	02/16/17	03/16/17		Payrolls for CRM Contracting	y	03/30/17	P	C
2017-0005	Furlong, Richard (Lipsitz, Green Scime, Cambria)	02/10/17	02/17/17	02/16/17	03/16/17		Payrolls for Global Painting and Contracting	Y	03/30/17	p	C
2017-0006	Galbraith, Robert	03/03/17	03/10/17	03/09/17	04/06/17		Agreements and communications with Zeppelin Communications and/or Michael Caputo; policies and guidelines re access to Social Media accounts			P	C
2017-0007	Oliver, Glenn	03/16/16	03/23/16	03/09/16	04/06/16		ECWA vendor list, including bidders			P	C
2017-0008	McNaughton, Timothy (IBEW)	03/24/17	03/31/17	03/31/17	04/28/17		Kamen Automation (SCADA)			P	C
2017-0009	Gazda, Bryan (Village of East Aurora)	04/13/17	04/20/17	05/30/17	06/27/17		Final written report prepared by Raftelis Financial re Cost of Service and Rate Structure Review as identified in 11/17/16 minutes			F	C
2017-0010	Specht, Charlie (WKBW)	04/17/17	04/24/17	04/24/17	05/22/17		Emails or written correspondence from Earl Jann between 5/1/11 and 4/16/2017 including emails from ECWA account and personal account pertaining to ECWA business. Subsequently withdrawn			P	C
2017-0011	Porat, Daniela (Investigative Post)	04/27/17	05/04/17	05/02/17	05/30/17		Records pertaining to financial transactions between ECWA and Buffalo Protection and Investigation(s)			P	C
2017-0012	Telvock, Dan (Investigative Post)	05/02/17	05/09/17		01/27/00		Lead and Copper Rule sample sites and test results			p	C

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2017-0013	Gerace, Michelle (JW Danforth)	05/11/17	05/18/17	05/30/17	06/27/17		bid results HVAC/Preventative Maintenance Work for period 7/1/15 to 6/30/17			F	C
2017-0014	Ward, Daniel (Amherst Democratic Club)	05/24/17	05/31/17	08/21/17	09/18/17		Personnel Roster and salary schedule			F	C
2017-0015	Tan, Sandra (Buffalo News)	06/02/17	06/09/17	06/09/17	07/07/17		Civil service applications, resumes for exempt employees, severance and /or buyout agreements since 2013			P	C
2017-0016	Hibbert, Seth (Getman & Biryla)	06/04/17	06/09/17	06/06/17	07/04/17		Labor and Material Bond by DN Tanks, Inc. re project No. 2013002666			P	C
2017-0017	Tan, Sandra (Buffalo News)	06/07/17	06/14/17	06/14/17	07/12/17		Phillips Lytle invoices	Y	10/05/17	F	C
2017-0018	Ethan Lucht (Chelipis & Associates, Inc.)	06/28/17	07/05/17	07/05/17	08/02/17		Water bills for Two Brothers Realty LLC, Ford Motor Co., 4455 Genssee St, LLC for 7/1/16 through 6/30/17			P	C
2017-0019	Dreyer, Molly (C & S Companies)	07/03/17	07/10/17	07/18/17	08/15/17		Condition of above and below ground water infrastructure within and adjacent to 714 Ridge Road, Lackawanna			P	C
2017-0020	Weiss, Paul (Bartlo, Hettler, Weiss & Tripi)	07/26/17	08/02/17	07/27/17	08/24/17		Collective Bargaining Agreements or MOU's with unions includng CSEA, AFSCME and Brotherhood of WNY Water Workers for 2009 though 7/17.			P	C
2017-0021	Specht, Charles (WKBW)	08/23/17	08/30/17	08/30/17	09/27/17		Payroll Information for past 5 years			P	C
2017-0023	Girardin, Ken (Empire Center)	09/13/17	09/20/17	09/13/17	10/11/17		Payroll withholdings collected by ECWA for union dues.			P	C
2017-0024	Park, Holly (Bouvierlaw)	09/13/17	09/20/17	09/14/17	10/12/17		Any and all documents pertaining to written complaints, notices of falls, trips or defects in the sidewalk and property adjacent or pertinent to 6 Fair Woods Dr., Williamsville, and a section of Hopkins Road, Amherst, 140 feet South of Fair Woods Dr.			P	C

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2017-0025	Tan, Sandra (Buffalo News)	09/15/17	09/22/17	09/18/17	10/16/17		Buyout, Severance and separation agreements for 2011 and 2012, policies re severance and benefit buyout, employment agreements for Robert Gaylord			P	C
2017-0026	Specht, Charles (WKBW)	09/19/17	09/26/17	09/26/17	10/24/17		Customer Complaint files, Audio tapes between customer & restoration, Phone Directory, Restoration customer survey reports, restoration customer correspondence for period 1/1/16 to present.			P	C
2017-0027	Rowe, Ashley (WKBW)	09/26/17	10/03/17	10/03/17	10/31/17		Investment Infrastructure; Program revenue allocation from January, 2011 to January, 2017; any/all reports from Raftalis; Annual reports from PARIS for 2014 and 2016			P	C
2017-0028	Toni, Michelle (Mark Cerrone, Inc.)	11/21/17	11/28/17	11/30/17	12/28/17		Bid Tabulations for Emergency Watermain Repair Contract - Bid Date 6/6/17 and rebid on 7/25/17			F	C