

ITEM 1 - RESOLUTION IN SUPPORT OF FEDERAL LEGISLATION TO ESTABLISH A PERMANENT LOW INCOME HOUSEHOLD WATER ASSISTANCE PROGRAM

Motion by seconded by

WHEREAS, on average, one in five households in the United States carries a delinquency on their water bill; and

WHEREAS, in the wake of the COVID-19 pandemic, the United States government established a Low-Income Household Water Assistance Program (“LIHWAP”), through the Consolidated Appropriations Act of 2021 and the American Rescue Plan; and

WHEREAS, LIHWAP was established to assist households with water bill payments and to prevent shutoffs during the pandemic; with \$1.1 billion in federal funding, assistance was provided to more than 1.6 million households nationwide; and

WHEREAS, on November 24, 2021, the Erie County Water Authority’s (the “Authority”) Board of Commissioners approved participation in LIHWAP and executed a Vendor Agreement to do so; and

WHEREAS, Authority customer participation was substantial; more than 1,200 Authority customers qualified for LIHWAP, with nearly \$1 million in total assistance provided to Authority customers to address unpaid water bills; and

WHEREAS, near-identical bipartisan federal legislation has been introduced in the United States Senate and House of Representatives, S.3830 and H.R.8032, respectively, that seeks to permanently establish a Low-Income Household Water Assistance Program to build upon the success of the prior, pandemic-era program by ensuring that households least able to afford clean, safe, potable water in their homes will have to shoulder less of a burden;

NOW, THEREFORE, BE IT RESOLVED:

That the Board of Commissioners of the Authority does hereby recognize the success of the pandemic-era Low-Income Household Water Assistance Program and does hereby commend federal and state leaders who conceived and implemented this program for the betterment of customers throughout the United States and in Erie County; and be it further

RESOLVED: The Board of Commissioners of the Authority does hereby endorse creation of a permanent low-income household water assistance program for this same purpose; and specifically endorses the adoption of S.3830 and H.R.8032 as a means of doing so; and be it further

RESOLVED: The Secretary of the Authority is authorized to forward executed copies of this resolution to Erie County’s federal delegation to the United States Senate and the United States House of Representatives.

Ayes:
Noes:

ITEM 2 - RESOLUTION IN SUPPORT OF THE WATER SYSTEMS PFAS LIABILITY PROTECTION ACT (S.1430/H.R.7944)

Motion by seconded by

WHEREAS, the Erie County Water Authority (“Authority”) is a Public Authority created by state statute and operates as a public water system serving more than 550,000 customers in Western New York, utilizing raw water obtained from Lake Erie and the Niagara River in producing millions of gallons of clean, potable water to customers each day; and

WHEREAS, in 2022, the United States Environmental Protection Agency (“EPA”) formally announced plans to designate two of the most common Per- and Polyfluoroalkyl Substances (“PFAS”) as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), with EPA indicating that this action will help ensure that manufacturers and users of these chemicals are held responsible for the cost of remediating contaminated sites; and

WHEREAS, because of the existence of these substances in raw water sources, water systems such as the Authority may continue to produce water with residuals that contain trace amounts of PFAS; and

WHEREAS, while such residuals are currently and will prospectively be disposed of in accordance with applicable law, should disposal be to a landfill or other facility that would in the future become a Superfund site, then a water system could be judged a PFAS polluter; and

WHEREAS, without congressional action to clarify liability under such conditions, drinking water producers such as the Authority could be subject to legal exposure despite being innocent receivers of PFAS contamination from upstream polluting industries and PFAS-laden products in raw water used to produce potable water for customer use; and

WHEREAS, without such congressional action, an authentic risk exists that polluters responsible for the presence of these PFAS will shield themselves from liability by seeking to spread liability for sites contaminated with PFAS among innocent parties, including drinking water producers; and

WHEREAS, the American Water Works Association (“AWWA”) has led a comprehensive effort to educate public officials as to this potential liability to drinking water producers; and

WHEREAS, AWWA efforts have helped lead to the sponsorship of bipartisan legislation in both houses of the United States Congress that seek to ensure that the intent of CERCLA – namely that the polluter pays for remediation and cleanup – is maintained as a guiding principle as it relates to liability; and

WHEREAS, the Water Systems PFAS Liability Protection Act (S,1430/H.R.7944) is identical legislation introduced in the United States Senate and the United States House of Representatives, and enjoys strong support from multiple organizations representing different facets of the water sector, including the American Water Works Association, the Association of Metropolitan Water Agencies, the National Association of Clean Water Agencies, the National Rural Water Association, and the Water Environment Federation, forming an entity known as the Water Coalition Against PFAS;

NOW, THEREFORE, BE IT RESOLVED:

That the Board of Commissioners of the Authority does hereby commend the Water Coalition Against PFAS for its actions seeking to ensure that liability for remediation and cleanup of PFAS remains the responsibility of the polluter, as envisioned by CERCLA; and be it further

RESOLVED: The Board of Commissioners of the Authority does hereby endorse adoption of the Water Systems PFAS Liability Protection Act (S,1430/H.R.7944) in respective houses of the United States Congress, and following passage does hereby call upon the President of the United States to sign such legislation into law; and be it further

RESOLVED: The Secretary of the Authority is authorized to forward executed copies of this resolution to Erie County's federal delegation to the United States Senate and the United States House of Representatives.

Ayes:

Noes:

05/23/24-CEE:alh

ITEM 3 - RESOLUTION IN SUPPORT OF FEDERAL LEGISLATION TO OVERSEE WATER SYSTEM CYBERSECURITY

Motion by _____ seconded by _____

WHEREAS, the maintenance of robust cybersecurity oversight is of critical importance for water systems throughout the United States; and

WHEREAS, water systems throughout the United States run operational technology and information technology systems which can often be vulnerable to cyberattacks, including malicious acts or suspicious events that disrupt or attempt to disrupt the operation of programmable electronic devices and communication networks, including hardware, software, and data that are essential to the cyber resilient operation of a covered water system; and

WHEREAS, , the American Water Works Association (“AWWA”) has long served as a leading advocate for strong cybersecurity oversight in the water sector, and has made the enhancement of such oversight a key component of its 2024 Congressional advocacy, including during a recent fly-in to Washington DC where AWWA membership, including the Erie County Water Authority’s (the “Authority”) Director of Water Quality, made personal appeals to Senators and Representatives toward this effort; and

WHEREAS, securing the nation’s water systems through an effective co-regulatory model, building on successes in other sectors of the economy and keeping known vulnerabilities private to ensure they are addressed instead of falling into the wrong hands are among the key elements of this effort; and

WHEREAS, bipartisan federal legislation, H.R.7922 has been introduced in the United States House of Representatives to create a Water Risk and Resilience Organization (“WRRO”), with federal oversight and approval of cybersecurity requirements provided by the federal Environmental Protection Agency; and

WHEREAS, according to AWWA, implementation of the requirements of this legislation would include periodic assessments by the WRRO using a tiered risk- and performance-based framework designed to address the diversity in size and complexity of water systems; this collaborative approach builds on a similar model successfully applied in other potentially vulnerable utility sectors; and

WHEREAS, adoption of this legislation by Congress and its signing into law by the President remains a top priority for AWWA and its members;

NOW, THEREFORE, BE IT RESOLVED:

That the Board of Commissioners of the Authority does recognize the cybersecurity threats inherently associated with a water system’s required daily functioning of operational and information technology systems necessary to produce and distribute clean, safe, potable water to customers on a daily basis; and be it further

RESOLVED: The Board of Commissioners of the Authority does hereby commend the AWWA for its advocacy in support of the establishment of a federal Water Risk and Resilience

Organization, and does hereby endorse the adoption of H.R.7922 by the United States Congress to create the aforementioned program; and be it further

RESOLVED: The Secretary of the Authority is authorized to forward executed copies of this resolution to Erie County's federal delegation to the United States Senate and the United States House of Representatives.

Ayes:

Noes:

05/23/24-CEE:alh

**ITEM 4 - NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)
DETERMINATION RELATIVE TO NEW ECWA OPERATIONS CENTER,
IDENTIFIED AS CONTRACT NO. LA-007, PROJECT NO. 202300077**

Motion by seconded by

WHEREAS, the Erie County Water Authority (“ECWA”) is proposing to construct a new Operations Center on approximately 62 acres of land located at 5200 North America Drive in the Town of West Seneca, County of Erie (the “Operations Center Site”) which includes the construction and equipping of a new approximately 168,000 +/- square foot building containing a variety of offices, an auto shop, parts storage, a loading dock, a fuel island and a parking garage, two additional storage buildings consisting of an approximately 11,200 +/- square foot cold material storage facility and an approximately 8,500 +/- square foot gravel/salt storage facility, an approximately 150 +/- foot tall communications tower with an associated approximately 240 +/- square foot support building, and adjacent landscaped areas, picnic areas, bioretention ponds, a storm water detention pond and walking trails (collectively referred to hereinafter as the “Project”); and

WHEREAS, ECWA has reviewed the Project in light of the requirements set forth in the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law and the applicable regulations promulgated thereto at 6 NYCRR Part 617 (collectively referred to as “SEQRA”); and

WHEREAS, ECWA has completed Part 1 of a Long Environmental Assessment Form (“EAF”) along with certain accompanying attachments for the Project for the purpose of conducting a review of the Project pursuant to SEQRA; and

WHEREAS, ECWA has considered the potential impacts on the environment of the Project as set forth in more detail below by undertaking a thorough review of the conditions associated with construction of the Project, including the completion of Parts 2 and 3 of the EAF; and

WHEREAS, ECWA resolves based upon the information contained in Parts 1, 2 and 3 of the EAF as completed for the Project by ECWA’s consultants, which ECWA hereby adopts as its own after review and analysis of same, as well as based on the review ECWA has completed of the EAF Mapper for the Operations Center Site where the Project work is to be performed and the documents associated with the Project, ECWA has determined that the Project will not result in a potential significant adverse impact to the environment for the reasons set forth below in this resolution;

NOW, THEREFORE, BE IT RESOLVED:

1. The Project is classified as a Type 1 Action as that term is defined by 6 N.Y.C.R.R. § 617.4 of the SEQRA regulations.
2. Each of the Whereas Clauses in this Resolution are incorporated by reference as specific findings of this Resolution and shall have the same effect as the other findings herein.
3. ECWA has considered the significance of the potential adverse environmental impacts of the Project by: (i) carefully reviewing and examining the responses to the EAF, including the

information in the completed Parts 1, 2 and 3, which ECWA hereby adopts and incorporates by reference with the enactment of this Resolution, together with examining other available supporting information and documents including the Project plans, as well as reviewing the EAF Mapper results of the Operations Center Site where Project work will be completed and assessing the potential impacts from the Project to land, stormwater and groundwater, wetlands, other water resources, agriculture, historic, archaeological and other recognized and/or protected resources, threatened or endangered plant and animal species, transportation, traffic, community character and cumulative impacts, if any, and other potential impacts as required, and considered each of the other potential impacts as required by applicable regulation; (ii) considered the criteria set forth in 6 NYCRR § 617.7(c) of the SEQRA regulations in light of such potential impacts; and (iii) thoroughly analyzed the identified areas of relevant environmental concern and finds that the Project will not result in a potential significant adverse impact on the environment for the following reasons:

Impacts to Community Character and Land:

The Project will not have a significant adverse impact on land. The location of the Project is within M-1 and M-2 Manufacturing Districts and will contain an approximately 168,000 +/- square foot building containing offices, a laboratory suite, an auto shop, parts storage, a loading dock, a fuel island, and a parking garage. The average depth to bedrock and water table at the Operations Center Site is approximately 40 feet making it suitable for the Project's construction without causing a significant adverse impact. Additionally, the Operations Center Site will contain two separate storage buildings, a 150-foot-tall communications tower, an approximately 240 +/- square foot building, and parking areas. The proposed uses are permitted within the M-1 and M-2 Manufacturing Districts; there is no change in land use proposed. The Project will also include feature landscaped areas, picnic areas, bioretention ponds, a stormwater retention pond, and may also include a walking trail and trail connections. All work will be conducted within the Operations Center Site's boundaries and will not encroach on adjacent or neighboring properties. The Project would result in the physical alteration of approximately 57 acres of the approximately 62-acre parcel. Less than 13 acres of new impervious services will be created and up to 42 acres of meadow and brushland areas will be transformed into landscaped areas with herbicides being used on an as-needed basis. The Project will be subject to an erosion and sedimentation control plan with best management practices being implemented to ensure that erosion does not occur during the construction or post-construction phases of the Project. Excavation from site preparation activities is not anticipated.

Lastly, the Operations Center Site is located within the NYS Heritage Area called the West Erie

Canal Corridor; however, all Project work will be confined within the boundaries of the Operations Center Site and will therefore not impact the West Erie Canal Corridor.

Water/Stormwater Impacts:

The Project will not have a significant potential adverse environmental impact on water, wetlands, surface water, stormwater, and/or a protected water body. One approximately 1.5-acre wetland and one Class B Stream are located within and/or adjoin the Operations Center Site which are subject to New York State Department of Environmental Conservation (“NYSDEC”) and U.S. Army Corps of Engineers (“USACE”) jurisdiction. The Project avoids impact to this wetland and stream. The remaining on-site wetlands have been determined to be non-jurisdictional by the USACE.

Further, NYSDEC Phase II Stormwater Regulations adopted pursuant to the New York State Pollutant Discharge Elimination Permit program (“SPDES”) requires approval of stormwater management system designs for projects having an overall disturbance area greater than one (1) acre. A general SPDES permit to address potential stormwater impacts will be required for the Project. ECWA shall file and seek coverage under the NYSDEC General SPDES permit program. All potential impacts from erosion, flooding or drainage will be avoided to the maximum extent practicable by the implementation of a Stormwater Pollution Prevention Plan. Stormwater runoff would be directed to on-site stormwater management facilities, as well as a new stormwater detention pond, which discharges off-site. An erosion and sedimentation control plan to prevent erosion during construction and post construction phases of the project will also be implemented. As such, no significant adverse impacts to surface water have been identified as a result of the proposed project because it would avoid wetlands to the extent practicable and implement stormwater control measures during and after construction.

Air Quality Impacts:

The Project will not result in any significant adverse impact to air quality. No new air registrations or permits are associated with the Project. ECWA therefore finds there will be no substantive adverse impacts to air quality from the Project including from construction activities.

Impacts to Plants and Animals:

The Project will not result in a significant adverse impact on plants or animals. The endangered Northern Long-eared Bat has been identified by the U.S. Fish and Wildlife Service as a species that may occur on or near the Operations Center Site. However, given the nature of the work to be completed in constructing the Project, no significant adverse impact from same is anticipated, nor from operation of

the Project. Any tree clearing at the Operations Center Site would occur during the bats' hibernation season.

Impacts on Agricultural Resources:

The Project will not result in a significant adverse impact on agricultural resources since the Operations Center Site is not located on, or adjacent to, agricultural lands.

Impacts of Aesthetic Resources:

The Project will not have a significant adverse impact on aesthetic resources.

Impacts to Historic and Archeological Resources:

The Project will not result in a significant adverse impact to historic or archaeological resources. While the Operations Center Site is within an area that is potentially sensitive for archaeological resources, pursuant to a December 18, 2023 correspondence the NYS Office of Parks, Recreation and Historic Preservation concluded that no properties, including archaeological and/or historic resources, listed or eligible for the NYS and National Registers of Historic Places would be impacted by this Project. As a result, ECWA finds there will be no significant adverse impact to any recognized historic or archeological resources.

Impacts on Open Space and Recreation:

The Project will not have a potential significant adverse impact on existing open space and recreation. While the eastern boundary of the Operations Center Site contains a small tributary of the Buffalo Creek, recognized by NYSDEC to be a Class B stream, the Project does not disturb the creek or its banks. The Project will not impact hunting or fishing activities along Buffalo Creek; therefore, no significant adverse impacts to open space and recreation have been identified as a result of the Project.

Impacts on Critical Environmental Areas:

The Project will not have a significant adverse impact on any Critical Environmental Area as designated pursuant to 6 N.Y.C.R.R. § 617.14(g) of the SEQRA regulations.

Impacts on Transportation (Traffic):

The Project will not have a significant adverse impact on transportation or existing traffic patterns and flow. The Traffic Impact Analysis Report indicates that impacts resulting from trips

generated by the new Operations Center can be mitigated with signal timing changes. Based on the scope of the Project, ECWA determines that the Project may create temporary traffic impacts between the hours of 7am to 5pm during the weekdays during the construction period, however, there will be no significant adverse impact to transportation resulting from construction activities associated with the Project.

Impacts on Energy:

The Project will not have a potential significant adverse impact on energy and/or energy use. It is anticipated that there will be no net increase in annual electricity demand as this project will relocate existing facilities.

Impacts Related to Noise, Odor and Light:

The Project will not have a significant adverse impact resulting from objectionable noise or on odor or light. The Town of West Seneca Noise Ordinance prohibits construction activities between the hours of 11:00 p.m. and 7:00 a.m. except in the case of emergencies. Construction activities associated with the Project will occur 7:00 am to 5:00 pm, Monday through Friday, only, with no anticipated construction activities occurring in evenings or on weekends. ECWA standards for noise reduction require that contractors' vehicles and equipment shall be such as to minimize noise to the maximum extent practicable. Noise levels shall conform with OSHA standards; noise levels will not be permitted which interfere with the work of others. With regards to lighting, the Project would utilize a combination of high-efficiency LED building mounted and site lighting around the Operations Center Site to minimize potential lighting impacts. Further, once construction is complete, the Project is not anticipated to have any material impact significantly different from the surrounding noises, lights or odors of industrial and manufacturing facilities characteristic of the area surrounding the Operations Center Site.

Impacts on Public Safety:

The Project will not have a significant adverse impact on public health or safety. Any gasoline and diesel fuel used at the Operations Center Site will be used and stored in compliance with State and Federal guidelines; a NYSDEC Petroleum Bulk Storage registration will be obtained as the Project requires bulk storage of petroleum or chemical products. Additionally, the 40-foot depth to groundwater mitigates potential groundwater impacts from the use of these products. Hazardous wastes will be disposed of at an existing offsite hazardous waste facility. Further, the Project will connect to an existing sanitary sewer system which has the capacity to serve the project once all necessary approvals

from Erie County and NYSDEC have been obtained. Therefore, no significant adverse human health impacts have been identified as a result of the Project.

Impacts on Local Utilities:

No significant adverse impact is expected on local utilities from the Project, including to such utilities after the Project becomes operational, as no issue has been identified as to the capacity of such local utilities to provide services to the Project.

4. Based on the foregoing, and after a thorough and comprehensive review of the Parts 1, 2, and 3 of the EAF, the EAF Mapper results, and the other documents and information concerning the Project, ECWA finds that the Project will not have a potential significant adverse impact on the environment in accordance with the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law and, in particular, pursuant to the criteria set forth at 6 N.Y.C.R.R. § 617.7(b) of the SEQRA regulations. Therefore, after conducting the requisite coordinated review pursuant to SEQRA, ECWA issues a Negative Declaration for the Project pursuant to 6 N.Y.C.R.R. § 617.7.

5. The Negative Declaration, which this Resolution constitutes, shall be filed and/or published to the extent required by the SEQRA regulations and/or as ECWA may deem advisable.

6. This Resolution has been prepared in accordance with Article 8 of the New York Environmental Conservation Law and the regulations promulgated thereto at 6 N.Y.C.R.R. Part 617 by the Erie County Water Authority with offices located at 3030 Union Road, Cheektowaga, New York 14227-1097.

7. The Executive Engineer of ECWA is authorized to file this Negative Declaration, as necessary, in accordance with the applicable provisions of the law.

8. This Resolution shall take effect immediately.

Ayes:

Noes:

05/23/24-HARRIS BEACH:alh

ITEM 5 - AUTHORIZATION TO SUBMIT A REQUEST TO MODIFY AN EFC FUNDING AGREEMENT FORM RELATIVE TO 36-INCH TRANSMISSION MAIN REPLACEMENT PROJECT, TOWN OF AMHERST, NEW YORK, IDENTIFIED AS CONTRACT NO. W-030, PROJECT NO. 201800074

Motion by seconded by

WHEREAS, on December 5, 2019, the Erie County Water Authority (the “Authority”) was awarded a \$3,000,000 Water Infrastructure Improvement Act (“WIIA”) grant from New York State Environmental Facilities Corporation (“NYSEFC”) to fund a portion of the 36-inch transmission main replacement in the Town of Amherst, New York (the “Grant”); and

WHEREAS, the terms of the Grant require that all work be completed, and the Project Completion Certificate be submitted and approved by December 5, 2024; and

WHEREAS, due to delays in the design and reviews by National Grid, the Engineering Department does not anticipate advertisement for bids until the summer of 2024 resulting in a project schedule that will not meet the required completion date; and

WHEREAS, NYSEFC has been made aware of the delays and has directed the Authority to submit a Request to Modify an EFC Funding Agreement form to extend the deadline by an additional seventeen (17) months;

NOW, THEREFORE, BE IT RESOLVED:

That the Board of Commissioners of the Authority authorizes the submission of a Request to Modify an EFC Funding Agreement form to extend the deadline by an additional seventeen (17) months for the 36-inch Transmission Main Replacement Project, Town of Amherst, New York, identified as Contract No. W-030.

Ayes:

Noes:

05/23/24-alh

ITEM 6 - AUTHORIZATION TO EXECUTE AN OCCUPANCY LICENSE AGREEMENT WITH BUFFALO & PITTSBURGH RAILROAD, INC. RELATING TO TRANSMISSION SYSTEM IMPROVEMENTS, TOWNS OF HAMBURG AND WEST SENECA AND CITY OF LACKAWANNA, NEW YORK, IDENTIFIED AS CONTRACT NO. GP-010, PROJECT NO. 202100035

Motion by seconded by

WHEREAS, on March 4, 2021, the Erie County Water Authority (the “Authority”) awarded a Professional Services Contract to Greenman Pedersen, Inc. to render consulting engineering services relative to Transmission System Improvements, Towns of Hamburg and West Seneca and City of Lackawanna, New York, identified as Contract No. GP-010 (the “Project”); and

WHEREAS, the Project in part includes the replacement of an existing transmission main along Willet Road beneath a Buffalo & Pittsburgh Railroad, Inc. line; and

WHEREAS, in order to construct the improvements as well as to operate and maintain the mains following completion of the Project, the Authority must execute an Occupancy License Agreement (the “Agreement”); and

WHEREAS, the Authority’s Legal and Engineering departments have negotiated the terms of the Agreement and recommend approving and executing the Agreement; and

WHEREAS, the Authority is required to pay a one-time Permit Fee of \$18,360.00 as well as an additional payment of up to \$5,000.00 which covers the required Railroad Protective Liability coverage as the Authority’s current insurance policies do not include this type of coverage; and

WHEREAS, the Authority’s 2024 Capital Budget includes funds under Unit 2595 Eng/Const Transmissions Mains, Item 101599 GP-010, Trans Main Replacement; and

NOW, THEREFORE, BE IT RESOLVED:

That the Board of Commissioners of the Authority approves the execution of an Occupancy License Agreement with Buffalo & Pittsburgh Railroad, Inc. relating to Contract No. GP-010; and be it further

RESOLVED, that the Chair is authorized to execute the Agreement on behalf of the Authority.

Ayes:

Noes:

05/23/24-alh

ITEM 7 - AUTHORIZATION TO EXECUTE AN AGREEMENT WITH SERVOMATION REFRESHMENTS INC. RELATIVE TO VENDING MACHINES

Motion by seconded by

WHEREAS, the Erie County Water Authority’s (“Authority”) Service Center, Ellicott Square Offices, Van De Water Water Treatment Plant, and Sturgeon Point Water Treatment Plant locations contain vending machines for the use of Authority employees; and

WHEREAS, the Administration department recently became aware that there is not a contract in place with the current vending machine supplier; and

WHEREAS, the Administration department reviewed and compared the existing vendor with other comparable vendors in the local area; and

WHEREAS, it was determined that it is in the best interest of the Authority to switch to a vendor that offers a better variety, healthier options, and equipment with modern technology; and

WHEREAS, Lavonya C. Lester, Director of Administration, recommends executing an agreement with Servomation Refreshments Inc. to provide vending services to Authority’s Service Center, Ellicott Square Offices, Van De Water Water Treatment Plant, and Sturgeon Point Water Treatment Plant locations; and

WHEREAS, there is no set up fees and a five percent (5%) sales commission given to the Authority will be deposited into the employee activity account;

NOW, THEREFORE, BE IT RESOLVED:

That the Board of Commissioners of the Authority approve the execution of an agreement with Servomation Refreshments Inc. to provide vending services to Authority’s Service Center, Ellicott Square Offices, Van De Water Water Treatment Plant, and Sturgeon Point Water Treatment Plant locations; and be it further

RESOLVED: That the Chair is authorized to execute the said agreement with Servomation Refreshments Inc. on behalf of the Authority.

Ayes:

Noes:

05/23/24-alh

ITEM 8 - AUTHORIZATION TO ENTER INTO A MAIN EXTENSION SPECIAL AGREEMENT WITH 4280 RESEARCH PARKWAY LLC AND KULBACK'S INC. FOR THE CONSTRUCTION AND INSTALLATION OF APPROXIMATELY 80 LINEAR FEET OF EIGHT (8") INCH PVC WATERMAIN, 78 LINEAR FEET OF EIGHT (8") INCH PVC FOR PRIVATE FIRE PROTECTION SERVICE, 10 LINEAR FEET OF TWO (2") INCH TYPE "K" COPPER FOR DOMESTIC SERVICE, ONE (1) LINE VALVE AND APPURTENANCES, RESEARCH PARKWAY, TOWN OF CLARENCE, NEW YORK, PROJECT NO. 202400077

Motion by seconded by

WHEREAS, the Erie County Water Authority (the "Authority") desires to enter into a Main Extension Special Agreement with 4280 Research Parkway LLC and Kulback's Inc. (the "Applicants") for the construction and installation of approximately 80 linear feet of eight (8") inch PVC Watermain, 78 linear feet of eight (8") inch PVC for Private Fire Protection Service, 10 linear feet of two (2") inch Type "K" Copper for Domestic Service, and one (1) line valve and appurtenances, Town of Clarence, New York (the "Agreement"); and

WHEREAS, the Agreement is made pursuant to Subdivision 10, Section 1054 of the Public Authorities Law; and

WHEREAS, the Agreement is made pursuant to Title 10.00, "Extensions of Mains" and Paragraph 10.32, "Special Agreements" of the Authority's Tariff; and

WHEREAS, the Applicants desire to install watermains, hydrants and appurtenances as follows:

1. INSTALL approximately 80 +/- linear feet of 8-inch PVC water main along Research Parkway, Town of Clarence, under an Erie County Water Authority Main Extension Special Agreement.
2. INSTALL one (1) line valve along Research Parkway, Town of Clarence, under an Erie County Water Authority Special Agreement.
3. INSTALL approximately 78 +/- linear feet of 8-inch PVC for fire protection service and approximately 10 +/- linear feet of 2-inch copper for domestic services to 4280 Research Parkway, Town of Clarence, under an Erie County Water Authority Main Extension Special Agreement; and

WHEREAS, Leonard F. Kowalski, Executive Engineer advised that the materials, work, labor, and services for said installations, as proposed to be supplied and installed by the Applicants, meet with the Authority's specifications;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority accepts the proposal of 4280 Research Parkway LLC and Kulback's Inc. for the construction and installation of approximately 80 linear feet of eight (8") inch PVC Watermain, 78 linear feet of eight (8") inch PVC for Private Fire Protection Service, 10 linear feet of two (2") inch Type "K" Copper for Domestic Service, one (1) line valve and appurtenances, Town of Clarence, New York; and be it further

RESOLVED: That the Chair is hereby authorized to execute said Main Extension Special Agreement between the Authority and 4280 Research Parkway LLC and Kulback's Inc. covering the abovementioned project.

Ayes:

Noes:

05/23/24-alh

ITEM 9 - AUTHORIZATION TO ACCEPT THE CONSTRUCTION AND INSTALLATION OF APPROXIMATELY 470 LINEAR FEET OF EIGHT (8") INCH PVC (C-900), ONE (1) HYDRANT AND APPURTENANCES IN CANNON WOODS SUBDIVISION, PHASE 2, TOWN OF CLARENCE, NEW YORK, EC NO. 7262, PROJECT NO. 201900210

Motion by seconded by

WHEREAS, the Erie County Water Authority (the "Authority") entered into a Main Extension Agreement (Builder-Contractor-Developer) with Cannon Woods LLC and Cimato Brothers Construction, Inc. relative to Cannon Woods Subdivision, Phase 2, Town of Clarence, New York, identified by Work Authorization No. 7262; and

WHEREAS, the Bill of Sale, dated April 3, 2024, and the Schedule of Inventory, dated April 3, 2024, have been approved by Leonard F. Kowalski, Executive Engineer and the construction and installation of approximately 470 linear feet of eight (8") inch PVC (C-900), one (1) hydrant and appurtenances have been installed in accordance with the specifications of the Authority; and

WHEREAS, the Division of Environmental Health of the Health Department of the County of Erie has approved the completed works for public water supply improvement for Cannon Woods Subdivision, Phase 2, Town of Clarence, New York; and

WHEREAS, Jessica R. Brown, Comptroller has reviewed the costs of the main and hydrants and finds them reasonable and correct; and

WHEREAS, Leonard F. Kowalski, Executive Engineer recommends approval and acceptance of said main and hydrant;

NOW, THEREFORE, BE IT RESOLVED:

That the Board of Commissioners of the Authority accepts the construction and installation of approximately 470 linear feet of eight (8") inch PVC (C-900), one (1) hydrant and appurtenances and said mains and hydrant be added to the property records of the Authority.

Ayes:

Noes:

05/23/24-alh

ITEM 10 - AUTHORIZATION TO ACCEPT THE CONSTRUCTION AND INSTALLATION OF APPROXIMATELY 317 LINEAR FEET OF EIGHT (8") INCH PVC (C-900), ONE (1) HYDRANT AND APPURTENANCES IN NORTHWOODS SUBDIVISION, PHASE 2B, TOWN OF CLARENCE, NEW YORK, EC NO. 7395, PROJECT NO. 202400023

Motion by seconded by

WHEREAS, the Erie County Water Authority (the "Authority") entered into a Main Extension Agreement (Builder-Contractor-Developer) with Cimato Enterprises, Inc. and Cimato Bros. Construction, Inc. relative to Northwoods Subdivision, Phase 2B, Town of Clarence, New York, identified by Work Authorization No. 7395; and

WHEREAS, the Bill of Sale, dated April 3, 2024, and the Schedule of Inventory, dated April 3, 2024, have been approved by Leonard F. Kowalski, Executive Engineer and the construction and installation of approximately 317 linear feet of eight (8") inch PVC (C-900), one (1) hydrant and appurtenances have been installed in accordance with the specifications of the Authority; and

WHEREAS, the Division of Environmental Health of the Health Department of the County of Erie has approved the completed works for public water supply improvement for Northwoods Subdivision, Phase 2B, Town of Clarence, New York; and

WHEREAS, Jessica R. Brown, Comptroller has reviewed the costs of the main and hydrant and finds them reasonable and correct; and

WHEREAS, Leonard F. Kowalski, Executive Engineer recommends approval and acceptance of said main and hydrant;

NOW, THEREFORE, BE IT RESOLVED:

That the Board of Commissioners of the Authority accepts the construction and installation of approximately 317 linear feet of eight (8") inch PVC (C-900), one (1) hydrant and appurtenances and said mains and hydrant be added to the property records of the Authority.

Ayes:

Noes:

05/23/24-alh

ITEM 11 - AWARD OF CONTRACT TO GEITER DONE OF WNY, INC . FOR EXCAVATED MATERIAL REMOVAL AND DISPOSAL 2024 THROUGH 2026, PROJECT NO. 202400027 - \$968,157.00

Motion by seconded by

WHEREAS, the Erie County Water Authority (the “Authority”) advertised in Construction Exchange and the New York State Contract Reporter on the 28th day of March 2024, a notice inviting sealed bids in accordance with Public Authorities Law §1069 for Excavated Material Removal and Disposal 2024 through 2026; and

WHEREAS, Authority personnel opened sealed bids in the office of the Authority on the 23rd day of April 2024, and were as follows:

BIDDERS	AMOUNT
PM Pavement, Inc.	\$ 830,495.00
Geiter Done of WNY, Inc.	968,157.00
Concrete Applied Technologies Corp. d/b/a CATCO	1,289,750.00; and

WHEREAS, the mathematically low bidder, PM Pavement, Inc. was determined by the Engineering and Legal Departments to be non-responsive and non-responsible due to the fact that their bid documents indicated that they have no financial statements to submit as required under Paragraph 15.0 of the Bidders Qualification Statement (Specification Section 00450); and

WHEREAS, Michael J. Quinn, Senior Distribution Engineer and Leonard F. Kowalski, Executive Engineer have reviewed the specifications and bids and determined that Geiter Done of WNY, Inc. is the lowest responsive and responsible bidder qualified to perform the project and have recommended that a contract be awarded to that firm for the abovementioned project; and

WHEREAS, the Authority’s 2024 O&M Budget includes funds for this project under Unit 2535 Restoration, Item No. 18 Payments to Contractors - Restore;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority awards the contract to Geiter Done of WNY, Inc. as the lowest responsive and responsible bidder for the abovementioned project, and be it further

RESOLVED: That the Chair is authorized to execute a contract with Geiter Done of WNY, Inc. for Excavated Material Removal and Disposal 2024 through 2026, as a unit price contract for the estimated total amount of \$968,157.00; and be it further

RESOLVED: That the Secretary is authorized to return to the unsuccessful bidders their deposit submitted with their bid to the Authority for the abovementioned project.

Ayes:
Noes:

ITEM 12 - AWARD OF CONTRACT TO NIAGARA COATING SERVICES, INC. FOR INDUSTRIAL BLASTING, PAINTING, AND ASSOCIATED MAINTENANCE CONTRACT, PROJECT NO. 202400038 - \$239,851.00

Motion by seconded by

WHEREAS, the Erie County Water Authority (the “Authority”) advertised in Construction Exchange and the New York State Contract Reporter on the 13th day of March 2024, a notice inviting sealed bids in accordance with Public Authorities Law §1069 for Industrial Blasting, Painting, and Associated Maintenance Contract; and

WHEREAS, Authority personnel opened sealed bids in the office of the Authority on the 9th day of April 2024, and were as follows:

BIDDERS	AMOUNT
Niagara Coatings Services, Inc.	\$239,851.00
Amstar of Western New York, Inc.	\$954,930.00; and

WHEREAS, Michael W. Wymer, Sr. Production Engineer and Leonard F. Kowalski, Executive Engineer have reviewed the specifications and bids and determined that Niagara Coatings Services, Inc. is the lowest bidder qualified to perform the project and have recommended that a contract be awarded to that firm for the abovementioned project; and

WHEREAS, the Authority’s 2024 O&M Budget includes funds for this project under Unit 1020 Control Operations, Item No. 19 Payments to Contractors - Other;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority awards the contract to Niagara Coatings Services, Inc. as the lowest responsible bidder for the abovementioned project, and be it further

RESOLVED: That the Chair is authorized to execute a contract with Niagara Coatings Services, Inc. for Industrial Blasting, Painting, and Associated Maintenance Contract, as a unit price contract for the estimated total amount of \$239,851.00; and be it further

RESOLVED: That the Secretary is authorized to return to the unsuccessful bidders their deposit submitted with their bid to the Authority for the abovementioned project.

Ayes:

Noes:

05/23/24-alh

ITEM 13 - APPROVAL OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH LAWLEY, LLC FOR RISK MANAGEMENT AND INSURANCE BROKERAGE SERVICES, PROJECT NO. 202100135

Motion by seconded by

WHEREAS, on May 27, 2021 the Erie County Water Authority's (the "Authority") Board of Commissioners (the "Board") approved entering into a professional services agreement with Lawley, LLC ("Lawley") for Risk Management and Insurance Brokerage Services (the "Agreement"); and

WHEREAS, in accordance with Article 3, Paragraph 3.02 of the Agreement, any modification or variation from the terms of the Agreement must be in writing, authorized by a resolution of the Board and signed by all parties; and

WHEREAS, in accordance with Article 5, Paragraph 5.01 of the Agreement, the parties may extend the term of the Agreement for two additional one-year terms, upon mutually agreed upon terms; and

WHEREAS, the parties wish to extend the Agreement for an additional one-year period from July 1, 2024 through June 30, 2025 pursuant to Article 5, Paragraph 5.01 of the Agreement, based on the same terms and conditions set forth in the Agreement; and

WHEREAS, the Authority's 2024 O&M Budget includes funds for this project under Unit 7510 General Expenses, Item No. 53 Insurance;

NOW, THEREFORE, BE IT RESOLVED:

That Board of Commissioners of the Authority approves amending the Agreement with Lawley, LLC to the extend the term of the Agreement through June 30, 2025, based on the same terms and conditions as set forth in the Agreement; and be it further

RESOLVED: That the Chair is authorized to execute said Amendment No. 1 on behalf of the Authority.

Ayes:

Noes:

05/23/24-alh

ITEM 14 - APPROVAL OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH U.S. TRAFFIC CONTROL, INC. FOR EMERGENCY TRAFFIC EQUIPMENT CONTROL RENTAL AND RELATED SERVICES, IDENTIFIED AS CONTRACT NO. UST-001, PROJECT NO. 202100135

Motion by seconded by

WHEREAS, on December 22, 2021 the Erie County Water Authority's (the "Authority") Board of Commissioners (the "Board") awarded U.S. Traffic Control, Inc. a professional services agreement for emergency traffic equipment control rental and related services (the "Agreement") for a four-year term, beginning January 1, 2022; and

WHEREAS, the Agreement provides for services to be provided to the Authority, as described in the Agreement, from January 1, 2022 through December 31, 2025; and

WHEREAS, on April 5, 2024, U.S. Traffic Control, LLC (the "Contractor") purchased the assets, including the Agreement, of U.S. Traffic Control, Inc.; and

WHEREAS, in accordance with Article 4, Paragraph 4.02 of the Agreement, any modification or variation from the terms of the Agreement must be in writing, authorized by a resolution of the Board and signed by all parties; and

WHEREAS, the parties agree that all references to the U.S. Traffic Control, Inc., and all references to Contractor in the Agreement shall mean U.S. Traffic Control, LLC; and

WHEREAS, the Authority has requested that the Contractor provide rentals of Vertical Panels (with lights) and the Contractor has agreed to provide same at a rate of \$2.75 per day; and

WHEREAS, the Contractor has requested that the Authority pay a pickup fee of \$95.00 for use of an attenuator truck and the Authority's Executive Engineer finds such request to be reasonable; and

WHEREAS, the Authority's 2024 O&M Budget includes funds for this project under Unit 2010 Line Maintenance, Item No. 16 Payments to Contractors - Rental;

NOW, THEREFORE, BE IT RESOLVED:

That the Board approves amending the Agreement with U.S. Traffic Control, Inc. to include that all references to Contractor in the Agreement shall mean U.S. Traffic Control, LLC; and be it further

RESOLVED: That the Board approves amending the Agreement with U.S. Traffic Control, LLC to provide rentals of Vertical Panels (with lights) at a rate of \$2.75 per day; and be it further

RESOLVED: That the Board approves amending the Agreement with U.S. Traffic Control, LLC to include a pickup fee of \$95.00 for use of an attenuator truck; and be it further

RESOLVED: That the Chair is authorized to execute said Amendment No. 1 on behalf of the Authority.

Ayes:
Noes:

05/23/24-alh

ITEM 15 - APPROVAL OF AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH JM DAVIDSON ENGINEERING, D.P.C. RELATING TO DISTRIBUTION SYSTEM IMPROVEMENTS, TOWNS OF HAMBURG, CHEEKTOWAGA AND WEST SENECA AND VILLAGE OF DEPEW, NEW YORK, IDENTIFIED AS CONTRACT NO. JMD-001, PROJECT NO. 202100200

Motion by seconded by

WHEREAS, on October 28, 2021, the Erie County Water Authority (the “Authority”) entered into a Professional Services Agreement (the “Agreement”) to JM Davidson Engineering, D.P.C. (the “Consultant”) to provide consulting engineering services for Distribution System Improvements, Towns of Hamburg, Cheektowaga and West Seneca and Village of Depew, New York; identified as Contract No. JMD-001; and

WHEREAS, on January 20, 2022, the parties agreed to amend the Agreement’s scope of services to add an additional 1,600 linear feet of distribution waterline; and

WHEREAS, the Consultant has requested additional budget of \$50,000 for Resident Inspection services; and

WHEREAS, Michael J. Quinn, Senior Distribution Engineer, and Leonard F. Kowalski, Executive Engineer, recommend that the Authority increase the total not to exceed amount for Resident Inspection Services by \$50,000 to account for the additional length of main and unanticipated delays that have occurred during construction; and

WHEREAS, in accordance with Article 3, Paragraph 3.02 of the Agreement, any modification or variation from the terms of the Agreement, must be in writing, authorized by a resolution of the Board of Commissioners of the Authority (the “Board”), and signed by all parties to be effective; and

WHEREAS, the Authority’s 2024 Capital Budget includes funds for this project under Unit 2590 Eng/Const Distribution Mains, Item No. 101596 JMD-001 Waterline Replacement;

NOW, THEREFORE, BE IT RESOLVED:

That the Board approves amending the Agreement by increasing the total not to exceed amount for Resident Inspection Services by \$50,000 to account for the additional length of main and unanticipated delays that have occurred during construction; and be it further

RESOLVED: That the Chair is hereby authorized to execute Amendment No. 2 on behalf of the Authority.

Ayes:

Noes:

05/23/24-alh

ITEM 16 - RATIFICATION OF THE INSTALLATION OF HYDRANTS AND VALVES AND RETIREMENT OF EXISTING HYDRANTS AND VALVES - VARIOUS LOCATIONS

Motion by seconded by

WHEREAS, the Engineering Department of the Erie County Water Authority (the "Authority") advised that hydrants and valves were installed as part of the Authority's program to keep pace with improvements in firefighting technology, as follows:

Replaced existing 6" valve at Pine Ridge Road and Wildy Avenue, Town of Cheektowaga with a new 6" resilient seat valve on 02/23/2022. Work done by ECWA forces under Work Authorization No. 107.200 7238.

Valve originally installed in 1905 was scrapped and retired under Retirement Authorization No. R220010.

Replaced existing 5' hydrant at 213 Roland Avenue, City of Lackawanna with a new 5' Kennedy K81 hydrant on 11/22/2022. Work done by ECWA forces under Work Authorization No. 107.200 7400.

Hydrant originally installed in 2020 was scrapped and retired under Retirement Authorization No. R240009.

Replaced existing 5' hydrant at 714 Ridge Road, City of Lackawanna with a new 5' Kennedy K81 hydrant on 12/14/2022. Work done by ECWA forces under Work Authorization No. 107.200 7401.

Hydrant originally installed in 1913 was scrapped and retired under Retirement Authorization No. R240010; and

WHEREAS, Leonard F. Kowalski, Executive Engineer ratifies said installations and work;

NOW, THEREFORE, BE IT RESOLVED:

That the Board of Commissioners of the Authority approve the retirement of the abovementioned hydrants and valve at the abovementioned locations; and be it further

RESOLVED: That the installation of the new hydrants and valve in the abovementioned locations, as part of the Authority's continuing program to improve its facilities is hereby approved, ratified and confirmed.

Ayes:

Noes:

05/23/24-alh

ITEM 17 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2024 – GUENTHER PUMP STATION REHABILITATION, IDENTIFIED AS CONTRACT NO. GHD-007, \$275,000

Motion by _____ seconded by _____

WHEREAS, in a resolution dated October 19, 2023, the Erie County Water Authority (the "Authority") adopted its annual capital budget for the fiscal year 2024; and

WHEREAS, from time to time, due to changes in spending priorities, availability of funds, or changes in other circumstances, the Authority finds it proper to amend its budget to reflect such changes; and

WHEREAS, the Authority has been advised by Michael J. Quinn, Senior Distribution Engineer, funding is needed for budget item 101358 GHD-007 Guenther Pump Station Rehab; and

WHEREAS, in order to provide funding for this project, funds within the capital budget will need to be re-allocated as follows:

<u>Unit No</u>	<u>Capital No:</u>	<u>Description</u>	<u>Increase</u>	<u>Decrease</u>
2520	101358	GHD-007 Guenther Pump Station Rehab	<u>\$ 275,000</u>	
2595	101362	W-030 Transmission Main Replacement		<u>\$ 275,000</u>
Totals			\$ 275,000	\$ 275,000;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority's annual capital budget for the fiscal year 2024 be amended as listed above.

Ayes:

Noes:

05/23/24-JRB:alh

ITEM 18 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2024 – CORROSION CONTROL PROGRAM MANAGEMENT, IDENTIFIED AS CONTRACT NO. MP-091, \$8,300,000

Motion by _____ seconded by _____

WHEREAS, in a resolution dated October 19, 2023, the Erie County Water Authority (the "Authority") adopted its annual capital budget for the fiscal year 2024; and

WHEREAS, from time to time, due to changes in spending priorities, availability of funds, or changes in other circumstances, the Authority finds it proper to amend its budget to reflect such changes; and

WHEREAS, the Authority has been advised by Michael J. Quinn, Senior Distribution Engineer, additional funding is needed in the 2024 capital budget for item 101664 MP-091 Corrosion Control Program Management; and

WHEREAS, in order to provide the necessary funding for this project, funds within the capital budget will need to be re-allocated as follows:

<u>Unit No</u>	<u>Capital No:</u>	<u>Description</u>	<u>Increase</u>	<u>Decrease</u>
1030	101664	MP-091 Corrosion Control Program Management	\$ <u>8,300,000</u>	
2510	101506	MP-090 Filter Gallery Piping Design		\$ 6,300,000
2595	101362	W-030 – Transmission Main Replacement		<u>2,000,000</u>
Totals			\$ 8,300,000	\$ 8,300,000;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority's annual capital budget for the fiscal year 2024 be amended as listed above.

Ayes:

Noes:

05/23/24-JRB:alh

ITEM 19 - AUTHORIZATION FOR JO FRONCZAK, MICROBIOLOGIST, TO ATTEND THE FLOWCAM TRAINING IN SCARBOROUGH, MAINE

Motion by seconded by

WHEREAS, the Erie County Water Authority deems it advisable for Jo Fronczak, Microbiologist, to attend FlowCam training in Scarborough, Maine at a total estimated cost of \$1,378.00;

NOW, THEREFORE, BE IT RESOLVED:

That Jo Fronczak, Microbiologist, is hereby authorized to travel to Scarborough, Maine from October 21, 2024 to October 24, 2024 to attend FlowCam training at a total estimated cost of \$1,378.00.

Ayes:

Noes:

05/23/24-alh

ITEM 20 - CREATION OF ELEVEN POSITIONS OF PUMP MAINTENANCE WORKERS

Motion by seconded by

WHEREAS, Pursuant to Article V, Title 3, Section 1053 of the Public Authorities Law, the Erie County Water Authority (“Authority”) has the authority to appoint an attorney and an engineer and such additional officers and employees as it may require for the performance of its duties, fix and determine their qualifications, duties and compensation, subject to the provisions of the Civil Service Law of the State of New York and such rules as the Personnel Officer of the Count of Erie may adopt and make applicable to such authority; and

WHEREAS, Article V, Section 6 of the By-Laws of the Erie County Water Authority grants to the Authority the right to name and appoint from time to time an attorney or engineer and employees as it may require for the performance of its duties, fix their qualification, duties and compensation, subject to the provisions of the Civil Service Law of the State of New York;

NOW, THEREFORE, BE IT RESOLVED:

That the Erie County Water Authority does hereby create eleven positions of Pump Maintenance Worker, Salary Grade 6B and a starting salary of \$63,315.20 of the Authority’s Career and Salary Plan, effective May 23, 2024; and be it further

RESOLVED: on May 15, 2024, the Erie County Department of Personnel reviewed and approved the above creation.

Ayes:

Noes:

05/23/24-alh