

**ITEM 1 - RESOLUTION OF THE ERIE COUNTY WATER AUTHORITY AGREEING TO PAY THE COSTS AND RESPONSIBILITIES OF THE CONSTRUCTION OF A BETTERMENT ON OR ALONG UNION ROAD/RTE 277, TOWNS OF CHEEKTOWAGA AND WEST SENECA, NEW YORK, ERIE COUNTY, PIN NO. 5131.41, D265088, PROJECT NO. 202200057**

Motion by                      seconded by

**WHEREAS**, the New York State Department of Transportation (“NYSDOT”) is undertaking a transportation project described as NY Route 277 (Union Rd) (S.H. 9215, S.H. 1733, S.H. 1733A, S.H. 1965, S.H. 1626), Towns of Cheektowaga and West Seneca, Erie County, PIN 5131.41, D265088 (the “Project”); and

**WHEREAS**, on February 10, 2022, the Erie County Water Authority (the “Authority”) awarded a Professional Services Agreement to Greenman-Pederson for the design of improvements to the water distribution system along the Union Road Corridor in the Towns of Cheektowaga and West Seneca; and

**WHEREAS**, the design is nearing completion with the construction schedule yet to be determined based on budget considerations; and

**WHEREAS**, the Authority’s Engineering Department identified a section of the project that would be well suited to be completed by the NYSDOT as betterment work; and

**WHEREAS**, the Authority approves the plans of this betterment work and desires to have this work included with the Project; and

**WHEREAS**, State of New York (the “State”) has estimated the cost of the betterment work and has agreed to include this betterment work with the Project identified above provided the Authority agrees to pay the cost of such betterment;

**NOW, THEREFORE, BE IT RESOLVED:**

That the Authority approves the cost estimate of the Project to be performed by the State; and be it further

**RESOLVED:** That the Authority shall maintain or cause to be maintained such highway betterment; and be it further

**RESOLVED:** That the Authority will deposit with the State Comptroller in a project escrow account the full amount of the estimate for the cost of the betterment for payments by the State Comptroller for the municipal work prior to contract letting; and be it further

**RESOLVED:** The Authority will also deposit with the State Comptroller in a project escrow account the full amount of the contract bid price for the cost of the betterment (less any amounts already deposited for purposes thereof) for payments by the Comptroller on account of Project costs within ten days after the lowest-bidder or best-value proposer eligible for award has been identified; and be it further

**RESOLVED:** In the event the cost exceeds the amount of the deposit the Authority shall within 90 days of the receipt of notice from the Commissioner pay the amount of such deficiency to the State Comptroller; and any excess of the deposit shall be paid to the Authority on the warrant of the State Comptroller on vouchers approved by the Commissioner after project close out; and be it further

**RESOLVED:** That the Authority hereby authorizes the Chairman to enter into an agreement with the State of New York and through the Commissioner of Transportation to commit the Authority to maintain at its own expense the betterment on the above-referenced project; and that such agreement provides that maintenance shall include the repair and replacement of equipment and the operation of such betterment; and be it further

**RESOLVED:** That the Chairman has the authority to sign, with the concurrence of the Authority, any and all documentation that may become necessary as a result of this project as it relates to the Authority; and be it further

**RESOLVED:** That the Secretary to the Authority is hereby directed to transmit five certified copies of the foregoing resolution to Regional Utility Engineer Unit, New York State Department of Transportation – Region 5, 100 Seneca Street, Buffalo, New York, 14203.

Ayes:

Noes:

08/17/23-alh

**ITEM 2 - RESOLUTION GRANTING THE STATE OF NEW YORK AUTHORITY TO PERFORM THE ADJUSTMENT FOR THE OWNER AND AGREEING TO MAINTAIN FACILITIES ADJUSTED VIA STATE-LET CONTRACT IN CONNECTION WITH PIN NO. 5814.20, D265055 PROJECT NO. 202300134**

Motion by                      seconded by

**WHEREAS**, the New York State Department of Transportation proposes the construction, reconstruction, or improvement of Large Culvert Replacements and Rehabilitation, Towns of West Seneca, Lewiston, Wheatfield, Alden, and Niagara in the Erie County Water Authority (the “Authority”) located in the counties of Erie and Niagara, identified as PIN 5814.20, D265055; and

**WHEREAS**, the State will include as part of the construction, reconstruction, or improvement of the above-mentioned project the protection and support of the Authority’s water lines pursuant to Section 10, Subdivision 24 of the State Highway Law, as shown on the contract plans relating to the project and meeting the requirements of the owner; and

**WHEREAS**, the service life of the relocated and or replaced utilities has not been extended; and

**WHEREAS**, the State will provide for the reconstruction of the above-mentioned work, as shown on the contract plans relating to the above-mentioned project;

**NOW, THEREFORE, BE IT RESOLVED:**

That the Authority approves of the protection and support of the Authority’s water lines and the above-mentioned work performed on the project and shown on the contract plans relating to the project and that the Authority will maintain or cause to be maintained the adjusted facilities performed as above stated and as shown on the contract plans; and be it further

**RESOLVED:** That Authority’s Chairman has the authority to sign, with the concurrence of the Board, any and all documentation that may become necessary as a result of this project as it relates to the Authority; and be it further

**RESOLVED:** That the Secretary of Authority is directed to transmit four (4) certified copies of the foregoing resolution to the New York State Department of Transportation.

Ayes:

Noes:

08/17/23-alh

**ITEM 3 - AWARD OF CONTRACT TO ALEXANDER CHEMICAL CORPORATION FOR FURNISHING AND DELIVERING OF LIQUID CHLORINE IN ONE TON CONTAINERS TO THE ERIE COUNTY WATER AUTHORITY FOR USE IN THE TREATMENT OF WATER FOR ONE YEAR, PROJECT NO. 202300129 - \$963,390.00**

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 26<sup>th</sup> day of June 2023, a notice inviting sealed bids in accordance with Public Authorities Law §1069 for Furnishing and Delivering of Liquid Chlorine in One Ton Containers to the Erie County Water Authority for One Year; and

**WHEREAS**, Authority personnel opened sealed bids in the office of the Authority on the 25<sup>th</sup> day of July 2023, and was as follows:

<b>BIDDERS</b>	<b>AMOUNT</b>
Alexander Chemical Corporation	\$ 963,390.00
JCI Jones Chemicals, Inc.	1,050,800.00; and

**WHEREAS**, Michael W. Wymer, Sr. Production Engineer and Leonard F. Kowalski, Executive Engineer have reviewed the specifications and bids and determined that Alexander Chemical Corporation 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 2023 O&M Budget includes funds for this project under Unit 1010 Sturgeon Point Plant, Item No. 13 Chemicals and Unit 1015 Van De Water Plant, Item No. 13 Chemicals;

**NOW, THEREFORE, BE IT RESOLVED:**

That the Authority awards the contract to Alexander Chemical Corporation as the lowest responsible bidder for the abovementioned project, and be it further

**RESOLVED:** That the Chair is authorized to execute a contract with Alexander Chemical Corporation for Furnishing and Delivering of Liquid Chlorine in One Ton Containers to the Erie County Water Authority for One Year as a unit price contract for the estimated total amount of \$963,390.00; 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:

08/17/23-alh

**ITEM 4 - AWARD OF CONTRACT TO DJM CONTRACTING, INC. FOR WATER SYSTEM IMPROVEMENTS – TOWN OF HAMBURG, IDENTIFIED AS CONTRACT NO. WE-005 PHASE 1, PROJECT NO. 202200055 - \$492,085.00**

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 26<sup>th</sup> day of June 2023, a notice inviting sealed bids in accordance with Public Authorities Law §1069 for Water System Improvements – Town of Hamburg, identified as Contract No. WE-005 Phase 1; and

**WHEREAS**, Authority personnel opened sealed bids in the office of the Authority on the 18<sup>th</sup> day of July 2023, and was as follows:

<b>BIDDERS</b>	<b>AMOUNT</b>
DJM Contracting, Inc.	\$ 492,085.00
716 Site Contracting, Inc.	557,715.00
Legend Excavating, LLC	590,540.00
Kandey Company, Inc.	757,750.00; and

**WHEREAS**, Watts Architects & Engineers, Consulting Engineers, Michael J. Quinn, Sr. Production Engineer and Leonard F. Kowalski, Executive Engineer have reviewed the specifications and bids and determined that DJM Contracting, 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 2023 Capital Budget includes funds for this project under Unit 2590 Eng/Const Distribution Mains, Item No. 101674 WE-005 Waterline Replacement;

**NOW, THEREFORE, BE IT RESOLVED:**

That the Authority awards the contract to DJM Contracting, 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 DJM Contracting, Inc. for Water System Improvements – Town of Hamburg, identified as Contract No. WE-005 Phase 1, as a unit price contract for the estimated total amount of \$492,085.00; 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:

08/17/23-alh

**ITEM 5 - AWARD OF CONTRACT TO MARK CERRONE, INC. FOR ON CALL REPAIR SERVICES WATERMAINS AND RELATED FACILITIES, SEPTEMBER 1, 2023 THROUGH AUGUST 31, 2025, PROJECT NO. 202300043 - \$3,323,912.00**

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 6<sup>th</sup> day of June 2023, a notice inviting sealed bids in accordance with Public Authorities Law §1069 for On Call Repair Services Watermains and Related Facilities, September 1, 2023 through August 31, 2025; and

**WHEREAS**, Authority personnel opened sealed bids in the office of the Authority on the 29<sup>th</sup> day of June 2023, and was as follows:

<b>BIDDERS</b>	<b>AMOUNT</b>
Mark Cerrone, Inc.	\$ 3,323,912.00
Russo Development, Inc.	3,565,400.00; and

**WHEREAS**, Michael J. Quinn, Sr. Production Engineer and Leonard F. Kowalski, Executive Engineer have reviewed the specifications and bids and determined that Mark Cerrone, 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 2023 O&M Budget includes funds for this project under Unit 2010 Line Maintenance, Item No. 15 Payments to Contractors – Repair, Unit 1010 Sturgeon Point, Item 19 Payments to Contractors – Other, Unit 1015, Van de Water, Item 19 Payments to Contractors – Other, and Unit 1020 Control Operations, item 19 Payments to Contractors - Other;

**NOW, THEREFORE, BE IT RESOLVED:**

That the Authority awards the contract to Mark Cerrone, 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 Mark Cerrone, Inc. for On Call Repair Services Watermains and Related Facilities, September 1, 2023 through August 31, 2025 as a unit price contract for the estimated total amount of \$3,323,912.00; 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:

08/17/23-alh

**ITEM 6 - AWARD OF CONTRACT TO O'CONNELL ELECTRIC COMPANY, INC. FOR CONTRACT NO. MP-090-E STURGEON POINT WATER TREATMENT PLANT FILTRATION PIPING, VALVE AND UNDERDRAIN SYSTEM IMPROVEMENTS, PROJECT NO. 202200014 - \$4,719,000.00**

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 9<sup>th</sup> day of May 2023, a notice inviting sealed bids in accordance with Public Authorities Law §1069 for Contract No. MP-090-E Sturgeon Point Water Treatment Plant Filtration Piping, Valve and Underdrain System Improvements; and

**WHEREAS**, Authority personnel opened sealed bids in the office of the Authority on the 22<sup>nd</sup> day of June 2023, and was as follows:

<b>BIDDERS</b>	<b>AMOUNT</b>
O'Connell Electric Company, Inc.*	\$ 4,719,000.00

\*Only bid received; and

**WHEREAS**, Arcadis of New York, Inc., Consulting Engineers, Michael J. Quinn, Sr. Production Engineer and Leonard F. Kowalski, Executive Engineer have reviewed the specifications and bid and determined that O'Connell Electric Company, Inc. is a 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 2023 Capital Budget includes funds for this project under Unit 2510 Eng/Const Sturgeon Point, Item No. 101506 Filter Gallery Piping Design;

**NOW, THEREFORE, BE IT RESOLVED:**

That the Authority awards the contract to O'Connell Electric Company, Inc. as a responsible bidder for the abovementioned project, and be it further

**RESOLVED:** That the Chair is authorized to execute a contract with O'Connell Electric Company, Inc. for Contract No. MP-090-E Sturgeon Point Water Treatment Plant Filtration Piping, Valve and Underdrain System Improvements in the total amount of \$4,719,000.00; 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:

08/17/23-alh

**ITEM 7 - AWARD OF CONTRACT TO AMERICAN CONTRACTING & ENVIRONMENTAL SERVICES, INC. FOR CONTRACT NO. MP-090-G STURGEON POINT WATER TREATMENT PLANT FILTRATION PIPING, VALVE AND UNDERDRAIN SYSTEM IMPROVEMENTS, PROJECT NO. 202200014 - \$28,470,000.00**

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 9<sup>th</sup> day of May 2023, a notice inviting sealed bids in accordance with Public Authorities Law §1069 for Contract No. MP-090-G Sturgeon Point Water Treatment Plant Filtration Piping, Valve and Underdrain System Improvements; and

**WHEREAS**, Authority personnel opened sealed bids in the office of the Authority on the 22<sup>nd</sup> day of June 2023, and was as follows:

<b>BIDDERS</b>	<b>AMOUNT</b>
American Contracting & Environmental Services, Inc.	\$ 28,470,000.00
STC Construction, Inc.	32,570,000.00; and

**WHEREAS**, Arcadis of New York, Inc., Consulting Engineers, Michael J. Quinn, Sr. Production Engineer and Leonard F. Kowalski, Executive Engineer have reviewed the specifications and bids and determined that American Contracting & Environmental 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 2023 Capital Budget includes funds for this project under Unit 2510 Eng/Const Sturgeon Point, Item No. 101506 Filter Gallery Piping Design;

**NOW, THEREFORE, BE IT RESOLVED:**

That the Authority awards the contract to American Contracting & Environmental 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 American Contracting & Environmental Services, Inc. for Contract No. MP-090-G Sturgeon Point Water Treatment Plant Filtration Piping, Valve and Underdrain System Improvements in the total amount of \$28,470,000.00; 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:

08/17/23-alh



**ITEM 8 - AWARD OF CONTRACT TO JOHN W. DANFORTH COMPANY FOR  
CONTRACT NO. MP-090-H STURGEON POINT WATER TREATMENT PLANT  
FILTRATION PIPING, VALVE AND UNDERDRAIN SYSTEM  
IMPROVEMENTS, PROJECT NO. 202200014 - \$3,240,000.00**

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 9<sup>th</sup> day of May 2023, a notice inviting sealed bids in accordance with Public Authorities Law §1069 for Contract No. MP-090-H Sturgeon Point Water Treatment Plant Filtration Piping, Valve and Underdrain System Improvements; and

**WHEREAS**, Authority personnel opened sealed bids in the office of the Authority on the 22<sup>nd</sup> day of June 2023, and was as follows:

<b>BIDDERS</b>	<b>AMOUNT</b>
John W. Danforth Company*	\$ 3,240,000.00

\*Only bid received; and

**WHEREAS**, Arcadis of New York, Inc., Consulting Engineers, Michael J. Quinn, Sr. Production Engineer and Leonard F. Kowalski, Executive Engineer have reviewed the specifications and bid and determined that John W. Danforth Company is a 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 2023 Capital Budget includes funds for this project under Unit 2510 Eng/Const Sturgeon Point, Item No. 101506 Filter Gallery Piping Design;

**NOW, THEREFORE, BE IT RESOLVED:**

That the Authority awards the contract to John W. Danforth Company as a responsible bidder for the abovementioned project, and be it further

**RESOLVED:** That the Chair is authorized to execute a contract with John W. Danforth Company for Contract No. MP-090-H Sturgeon Point Water Treatment Plant Filtration Piping, Valve and Underdrain System Improvements in the total amount of \$3,240,000.00; 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:

08/17/23-alh

**ITEM 9 - AWARD OF CONTRACT TO JOHN W. DANFORTH COMPANY FOR  
CONTRACT NO. MP-090-P STURGEON POINT WATER TREATMENT PLANT  
FILTRATION PIPING, VALVE AND UNDERDRAIN SYSTEM  
IMPROVEMENTS, PROJECT NO. 202200014 - \$584,800.00**

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 9<sup>th</sup> day of May 2023, a notice inviting sealed bids in accordance with Public Authorities Law §1069 for Contract No. MP-090-P Sturgeon Point Water Treatment Plant Filtration Piping, Valve and Underdrain System Improvements; and

**WHEREAS**, Authority personnel opened sealed bids in the office of the Authority on the 22<sup>nd</sup> day of June 2023, and was as follows:

<b>BIDDERS</b>	<b>AMOUNT</b>
John W. Danforth Company*	\$ 584,800.00

\*Only bid received; and

**WHEREAS**, Arcadis of New York, Inc., Consulting Engineers, Michael J. Quinn, Sr. Production Engineer and Leonard F. Kowalski, Executive Engineer have reviewed the specifications and bid and determined that John W. Danforth Company is a 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 2023 Capital Budget includes funds for this project under Unit 2510 Eng/Const Sturgeon Point, Item No. 101506 Filter Gallery Piping Design;

**NOW, THEREFORE, BE IT RESOLVED:**

That the Authority awards the contract to John W. Danforth Company as a responsible bidder for the abovementioned project, and be it further

**RESOLVED:** That the Chair is authorized to execute a contract with John W. Danforth Company for Contract No. MP-090-P Sturgeon Point Water Treatment Plant Filtration Piping, Valve and Underdrain System Improvements in the total amount of \$584,800.00; 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:

08/17/23-alh

**ITEM 10 - APPROVAL OF CHANGE ORDER NO. 1 OF HAZEN & SAWYER FOR  
CORROSION CONTROL TREATMENT PROGRAM PIPE LOOP  
DEMONSTRATION STUDY, IDENTIFIED AS CONTRACT NO. HS-002,  
PROJECT NO. 202100152 - \$4,244.00**

Motion by \_\_\_\_\_ seconded by \_\_\_\_\_

**WHEREAS**, on the 24<sup>th</sup> day of June 2021, the Erie County Water Authority's (the "Authority") Board of Commissioners approved a resolution to enter into a Contract with Hazen & Sawyer (the "Contractor") for Corrosion Control Treatment Program Pipe Loop Demonstration Study, identified as Contract No. HS-002; and

**WHEREAS**, the Contractor has submitted Change Order No. 1 in the sum of \$4,244.00 to provide for the following:

The addition of 2-inch diameter, automated valve to the inlet water supply to the pipe loop apparatus, the addition of a pressure transducer to the inlet water supply to the pipe loop apparatus, downstream of the existing pressure reducing valve, and the programming and associated control panel; and

**WHEREAS**, the reason for said change is the addition of the automated valve will protect the integrity of the scale material formed within the eighteen harvest lead pipe segments from damage as a result of the following:

1. A sudden increase in flowrate from a leak/pipe break within the pipe loop apparatus. The new valve will close automatically upon receipt of a high flow signal from the existing flow meters (i.e., a high flow through one or more of the lead pipe segments would dislodge lead particles and result in inaccurate data).

2. An uncontrolled increase in the supply pressure to the lead pipe segments (as measured by the new pressure transducer), either through a sudden increase in the supply pressure (from the WTP) or a malfunction of the inlet pressure reducing valve (i.e., a high pressure may cause failure of one or more of the individual harvested lead pipe connectors); and

**WHEREAS**, Michael W. Wymer, Sr. Production Engineer and Leonard F. Kowalski, Executive Engineer recommend approval of said Change Order No. 1; and

**WHEREAS**, the Authority's 2023 Capital Budget includes funds for this project under Unit 1030 Water Quality, Item No.101459 Optimal Corrosion Control Treatment Program;

**NOW, THEREFORE, BE IT RESOLVED:**

That Change Order No. 1 of Hazen & Sawyer in the amount of \$4,244.00 to provide for the abovementioned change be approved; and be it further

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

Ayes:

Noes:

08/17/23-alh

**ITEM 11 - APPROVAL OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES CONTRACT WITH LABELLA ASSOCIATES TO PROVIDE GIS TECHNICAL SUPPORT CONSULTING SERVICES, IDENTIFIED AS CONTRACT NO. LA-003, PROJECT NO. 202000202**

Motion by                      seconded by

**WHEREAS**, on August 27, 2020, the Erie County Water Authority's (the "Authority") Board of Commissioners (the "Board") awarded Labella Associates (the "Consultant") a professional services contract for GIS Technical Support Consulting Services for a three-year term, identified as Contract No. LA-003 (the "Contract"); and

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

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

**WHEREAS**, the Authority's Director of Cybersecurity and Information Technology recommends that the Authority amend the Contract by extending the term of the Contract for one additional two-year term, upon mutually agreed terms to allow the Consultant time to complete an upgrade to the Authority's GIS system; and

**WHEREAS**, the parties wish to extend the Contract for an additional two-year period from September 1, 2023 through August 31, 2025 upon the terms and conditions set forth in this Amendment; and

**WHEREAS**, the Authority's 2023 O&M Budget includes funds for this project under Unit 8525 Information Technology, Item No. 19 Payments to Contractors – Other;

**NOW, THEREFORE, BE IT RESOLVED:**

That the Board approves amending the Contract to extend the Contract for an additional two-year period from September 1, 2023 through August 31, 2025 upon the terms and conditions set forth in this Amendment; and be it further

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

Ayes:

Noes:

08/17/23-alh

**ITEM 12 - APPROVAL OF AMENDMENT NO. 1 TO THE CONTRACT WITH GREATER NIAGARA MECHANICAL, INC. FOR HEATING, VENTILATING, AND AIR CONDITIONING SERVICE AND PREVENTIVE MAINTENANCE WORK, IDENTIFIED AS CONTRACT NO. 22-46-12, PROJECT NO. 202200217**

Motion by                      seconded by

**WHEREAS**, on November 17, 2022, the Erie County Water Authority's (the "Authority") Board of Commissioners (the "Board") awarded a contract to Greater Niagara Mechanical, Inc. (the "Contractor") for Heating, Ventilating, and Air Conditioning Service and Preventative Maintenance Work, identified as Contract No. 22-46-12 (the "Contract"); and

**WHEREAS**, the Contract, executed on December 1, 2022, provides services until October 31, 2023; and

**WHEREAS**, in accordance with section 00500, paragraph 11.00, subparagraph A of the Contract, the parties may agree to extend the Contract on the same terms and conditions for one year; and

**WHEREAS**, the Contractor has agreed to extend this Contract until October 31, 2024 based on the same terms and conditions, including but not limited to, labor billed at an hourly rate, at the service rates set forth in section 00410, paragraph 5.01, items 1, 2 and 3 of the Contract; and

**WHEREAS**, the Authority's 2023 O&M Budget includes funds for this project under Unit 1020 Control Operations, Item No. 19 Payments to Contractors – Other, Unit 1010 Sturgeon Point Plant, Item No. 19 Payments to Contractors – Other, Unit 1015 Van De Water Plant, Item No. 19 Payments to Contractors – Other, and Unit 3070, Item No. Payments to Contractors - Other;

**NOW, THEREFORE, BE IT RESOLVED:**

That the Board approves amending the Contract to extend this Contract until October 31, 2024 based on the same terms and conditions, including but not limited to, labor billed at an hourly rate, at the service rates set forth in section 00410, paragraph 5.01, items 1, 2 and 3 of the Contract; and be it further

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

Ayes:

Noes:

08/17/23-alh

**ITEM 13 - APPROVAL OF AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH DRESCHER & MALECKI, LLP TO PROVIDE PROFESSIONAL AUDIT AND ACCOUNTING ADVISORY SERVICES FOR EACH OF ITS FISCAL YEARS ENDING DECEMBER 31, 2019, 2020 AND 2021, PROJECT NO. 201900184**

Motion by                      seconded by

**WHEREAS**, on October 3, 2019, the Erie County Water Authority (the “Authority”) Board of Commissioners (the “Board”) awarded a professional services contract to Drescher & Malecki, LLP to provide for professional audit and accounting advisory services to the Authority for fiscal years ending December 31, 2019, 2020 and 2021 (the “Contract”); and

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

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

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

**WHEREAS**, the Authority’s 2023 O&M Budget includes funds for this project under Unit 4000 Comptroller, Item 58 Auditing;

**NOW, THEREFORE, BE IT RESOLVED:**

That the Board approves amending the Contract with Drescher & Malecki, LLP to extend the Contract for fiscal year ending December 31, 2023 pursuant to paragraph 3(a) of the Contract; and be it further

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

Ayes:

Noes:

08/17/23-alh

**ITEM 14 - APPROVAL OF AMENDMENT NO. 1 TO THE CONTRACT WITH AMERICAN CONTRACTING AND ENVIRONMENTAL SERVICES, INC. FOR NEW PUMP STATION AT THE NEWSTEAD WATER STORAGE TANK, IDENTIFIED AS CONTRACT NO. NC-043, PROJECT NO. 202100048**

Motion by                      seconded by

**WHEREAS**, on July 21, 2022, the Erie County Water Authority's (the "Authority") Board of Commissioners (the "Board") awarded a contract to American Contracting and Environmental Services, Inc. (the "Contractor") for the New Pump Station at the Newstead Water Storage Tank, identified as Contract No. NC-043 (the "Contract"); and

**WHEREAS**, in accordance with Section 00700, General Conditions, Paragraph 3.04 (A) of the Contract, the parties may amend the Contract documents by written amendment; and

**WHEREAS**, the work performed under the Contract was delayed as a result of unforeseen circumstances, including the procurement of equipment at no fault of the Contractor; and

**WHEREAS**, the parties wish to amend the Contract to extend the Substantial Completion Date to March 31, 2024 and the Final Completion Date to June 30, 2024; and

**WHEREAS**, the Authority's 2023 Capital Budget includes funds for this project under Unit 2520 Eng/Const Control, Item No. 101589 Newstead PS Improvements;

**NOW, THEREFORE, BE IT RESOLVED:**

That the Board approves amending the Contract to extend the Substantial Completion Date to March 31, 2024 and the Final Completion Date to June 30, 2024; and be it further

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

Ayes:

Noes:

08/17/23-alh



**ITEM 15 - APPROVAL OF AMENDMENT NO. 5 TO THE PROFESSIONAL SERVICES AGREEMENT WITH NEW YORK STATE INDUSTRIES FOR THE DISABLED, INC. AND THE ERIE COUNTY CHAPTER NYSARC, INC. D/B/A THE ARC ERIE COUNTY NEW YORK RELATING TO GENERAL CLEANING SERVICES FOR THE ERIE COUNTY WATER AUTHORITY SERVICE CENTER, 3030 UNION ROAD, CHEEKTOWAGA, NEW YORK, PROJECT NO. 202000211**

Motion by \_\_\_\_\_ seconded by \_\_\_\_\_

**WHEREAS**, on September 10, 2020, the Erie County Water Authority’s (the “Authority”) Board of Commissioners (the “Board”) awarded a Professional Services Agreement to the New York State Industries for the Disabled, Inc. (“NYSID”) and the Erie County Chapter NYSARC, Inc. d/b/a the ARC Erie County New York (“ARC”) to provide cleaning services at the Authority’s Service Center (the “Agreement”); and

**WHEREAS**, on November 10, 2021, the Authority authorized a one-year extension of the Agreement through August 31, 2022 pursuant to Amendment No. 1 to the Agreement; and

**WHEREAS**, on April 7, 2022, the Authority authorized a monthly rate increase pursuant to Amendment No. 2 to the Agreement; and

**WHEREAS**, on August 18, 2022, the Authority authorized an additional one-year extension of the Agreement through August 31, 2023; and

**WHEREAS**, on March 23, 2023, the Authority authorized a monthly rate increase pursuant to Amendment No. 4 to the Agreement; and

**WHEREAS**, in accordance with paragraph 3.02 of the Agreement, the parties may amend the Agreement by written amendment authorized by resolution of the Board; and

**WHEREAS**, in accordance with paragraph 5.01 of the Agreement, the parties may agree to extend the Agreement for four additional one-year terms, at mutually agreed upon terms; and

**WHEREAS**, the parties wish to extend the Agreement for the third additional one-year period from September 1, 2023 through August 31, 2024; and

**WHEREAS**, the Authority’s 2023 O&M Budget includes funds for this project under Unit 3070 Facilities, 19 Payments to Contractors - Other; and

**NOW, THEREFORE, BE IT RESOLVED:**

That the Board approves amending the Professional Services Agreement with NYSID and ARC to extend the Agreement for the third additional one-year period from September 1, 2023 through August 31, 2024 upon such terms agreed upon by the Authority's General Counsel and NYSID; and be it further

**RESOLVED:** That the Chair is hereby authorized to execute Amendment No. 5 on behalf of the Authority once it has been finalized and approved by the Authority's General Counsel.

Ayes:

Noes:

08/17/23-alh

**ITEM 16 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2023**

Motion by \_\_\_\_\_ seconded by \_\_\_\_\_

**WHEREAS**, in a resolution dated October 20, 2022, the Erie County Water Authority (the "Authority") adopted its annual capital budget for fiscal year 2023; 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 Joyce Tomaka, Chief Financial Officer, additional funding is needed for budget item 101060 Meter Replacements; 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</u> <u>No</u>	<u>Capital No:</u>	<u>Description</u>	<u>Increase</u>	<u>Decrease</u>
4040	101060	Meter Replacements	<u>\$ 600,000</u>	
4040	101011	Meter Replacement Labor		\$ 100,000
4040	101717	Meter Replacement Project		<u>500,000</u>
Totals			\$ 600,000	\$ 600,000;

**NOW, THEREFORE, BE IT RESOLVED:**

That the Authority's annual capital budget for fiscal year 2023 be amended as listed above.

Ayes:

Noes:

08/17/23-JRB:alh

**ITEM 17 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2023**

Motion by \_\_\_\_\_ seconded by \_\_\_\_\_

**WHEREAS**, in a resolution dated October 20, 2022, the Erie County Water Authority (the "Authority") adopted its annual capital budget for fiscal year 2023; 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 Quinn, Senior Distribution Engineer, funding is needed for budget item 101674; 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</u>	<u>Capital No:</u>	<u>Description</u>	<u>Increase</u>	<u>Decrease</u>
<u>No</u>				
2590	101674	WE-005 Waterline Replacement	<u>\$ 600,000</u>	
2510	101506	Filter Gallery Piping Design		<u>\$ 600,000</u>
Totals			\$ 600,000	\$ 600,000;

**NOW, THEREFORE, BE IT RESOLVED:**

That the Authority's annual capital budget for fiscal year 2023 be amended as listed above.

Ayes:

Noes:

08/17/23-JRB:alh

**ITEM 18 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL O&M BUDGET FOR FISCAL YEAR 2023**

Motion by \_\_\_\_\_ seconded by \_\_\_\_\_

**WHEREAS**, in a resolution dated October 20, 2022, the Erie County Water Authority (the "Authority") adopted its annual operating & maintenance (“O&M”) budget for fiscal year 2023; 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 Quinn, Senior Distribution Engineer, funding is needed for a Satellite Leak Detection Survey to assist in identifying leaks; and

**WHEREAS**, in order to provide funding for this, funds will need to be re-allocated as follows:

<u>Unit No</u>	<u>Internal No:</u>	<u>Description</u>	<u>Increase</u>	<u>Decrease</u>
2502	19	Payments to Contractors - Other	<u>\$ 150,000</u>	
7510	20	Miscellaneous		<u>\$ 150,000</u>
Totals			\$ 150,000	\$ 150,000;

**NOW, THEREFORE, BE IT RESOLVED:**

That the Authority's annual O&M budget for fiscal year 2023 be amended as listed above.

Ayes:

Noes:

08/17/23-JRB:alh

**ITEM 19 - AUTHORIZATION FOR SABRINA FIGLER, DIRECTOR OF DRINKING WATER QUALITY AND RYAN MCKERNAN, LABORATORY TECHNICIAN (ENVIRONMENTAL CHEMISTRY) TO ATTEND THE AWWA WATER QUALITY TECHNOLOGY CONFERENCE IN DALLAS, TEXAS**

Motion by                      seconded by

**WHEREAS**, the Erie County Water Authority deems it advisable for Sabrina Figler, Director of Drinking Water Quality and Ryan McKernan, Laboratory Technician (Environmental Chemistry) to attend the AWWA Water Quality Technology Conference in Dallas, Texas at a total estimated cost of \$5,510.00;

**NOW, THEREFORE, BE IT RESOLVED:**

That Sabrina Figler, Director of Drinking Water Quality and Ryan McKernan, Laboratory Technician (Environmental Chemistry) is hereby authorized to travel to Dallas, Texas from November 5, 2023 to November 10, 2023 to attend the AWWA Water Quality Technology Conference at a total estimated cost of \$5,510.00.

Ayes:

Noes:

08/17/23-alh

**ITEM 20 - APPROVAL OF ONE-YEAR LEAVE OF ABSENCE FOR JORDAN GRIMALDI  
(CCII)**

Motion by                      seconded by

**WHEREAS**, the Erie County Water Authority (the "Authority") is subject to the Rules for the Classified Civil Service of the County of Erie (the "County Rules"), pursuant to Public Authorities Law § 1053(3) and Civil Service Law § 20; and

**WHEREAS**, Rule XVIII, Subdivision 2, provides, "A leave of absence without pay, not to exceed one year, may be granted to an employee by an appointing officer;" and

**WHEREAS**, Policy No. 61 determines the "appointing officer" to be the "Members of the Authority," and states, "The ultimate decision as to whether or not the leave without pay will be granted rests with the Members of the Authority;" and

**WHEREAS**, subdivision 2 of the Rule XVIII gives the Members of the Authority complete discretion to grant an unpaid leave for a one-year period with only a notice being sent to the County Personnel Director; and

**WHEREAS**, subdivisions 3 and 5 of the Rule XVIII give the sole discretion to the County Personnel Director to extend such a leave of absence for a period of more than one year; and

**WHEREAS**, Jordan Grimaldi, Line Maintenance Operator has requested a one-year leave of absence effective August 14, 2023;

**NOW, THEREFORE, BE IT RESOLVED:**

Jordan Grimaldi's one-year leave of absence from his position of Line Maintenance Operator until August 13, 2024 or such other time as approved by the Erie County Personnel Director is hereby approved, ratified, and confirmed.

Ayes:

Noes:

08/17/23-alh

**ITEM 21 - APPROVAL OF ONE-YEAR LEAVE OF ABSENCE FOR JOHN KURYAK (CCII)**

Motion by \_\_\_\_\_ seconded by \_\_\_\_\_

**WHEREAS**, the Erie County Water Authority (the "Authority") is subject to the Rules for the Classified Civil Service of the County of Erie (the "County Rules"), pursuant to Public Authorities Law § 1053(3) and Civil Service Law § 20; and

**WHEREAS**, Rule XVIII, Subdivision 2, provides, "A leave of absence without pay, not to exceed one year, may be granted to an employee by an appointing officer;" and

**WHEREAS**, Policy No. 61 determines the "appointing officer" to be the "Members of the Authority," and states, "The ultimate decision as to whether or not the leave without pay will be granted rests with the Members of the Authority;" and

**WHEREAS**, subdivision 2 of the Rule XVIII gives the Members of the Authority complete discretion to grant an unpaid leave for a one-year period with only a notice being sent to the County Personnel Director; and

**WHEREAS**, subdivisions 3 and 5 of the Rule XVIII give the sole discretion to the County Personnel Director to extend such a leave of absence for a period of more than one year; and

**WHEREAS**, John Kuryak, Distribution Engineer, has requested a one-year leave of absence effective September 11, 2023;

**NOW, THEREFORE, BE IT RESOLVED:**

John Kuryak's one-year leave of absence from his position of Distribution Engineer until September 10, 2024 or such other time as approved by the Erie County Personnel Director is hereby approved, ratified, and confirmed.

Ayes:

Noes:

08/17/23-alh



**ITEM 22 - CREATION OF TWO POSITIONS OF SENIOR PRODUCTION ENGINEER**

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 two positions of Senior Production Engineer, Salary Grade 30E at a starting salary of \$131,572.48 of the Authority’s Career and Salary Plan, effective August 17, 2023; and be it further

**RESOLVED:** On July 20, 2023 the Erie County Department of Personnel reviewed and approved the above creations.

Ayes:

Noes:

08/17/23-alh

**ITEM 23 - AUTHORIZATION FOR APPROVALS OF ONE TIME DELINQUENT CHARGE REVERSAL**

Motion by \_\_\_\_\_ seconded by \_\_\_\_\_

**WHEREAS**, pursuant to Paragraphs 9.10 and 14.03 of the Erie County Water Authority’s (the “Authority”) Tariff, the Authority applies a delinquent service charge of ten percent (10%) to all outstanding accounts where payment has not been received by the Authority within fifteen (15) days after the due date specified on the bill; and

**WHEREAS**, pursuant to Paragraph 9.11 of the Authority’s Tariff, a courtesy delinquent charge reversal may be given annually if the customer has a good payment history, requests the reversal and is not merely refusing to pay the delinquent charge; and

**WHEREAS**, the Authority’s Customer Service Department receives requests from late customers asking that the late fee be waived; and

**WHEREAS**, the Authority’s Chief Financial Officer and Comptroller recommend that it is in the best interest of the Authority to delegate the approval of certain courtesy delinquent charge reversals to designated Authority personnel; and

**NOW, THEREFORE, BE IT RESOLVED:**

That the Authority delegates approval of courtesy delinquent charge reversals for quarterly accounts as follows:

\$0-\$20	Customer Service Representatives
\$21-\$250	Business Office Supervisors (Business Office Manager, Assistant Business Office Manager, and Senior Account Clerk(s))
\$251-\$500	Cash Manager or Comptroller
\$501-\$2,500	Cash Manager or Comptroller AND at least three (3) members of Executive Staff (Secretary, Chief Financial Officer, Chief Operating Officer, General Counsel, and Executive Engineer)
\$2,501 and above	Board of Commissioners; and be it further

**RESOLVED**, that the Authority delegates approval of one time courtesy delinquent charge reversals for monthly accounts as follows:

\$0-\$250	Business Office Supervisors (Business Office Manager, Assistant Business Office Manager and Senior Account Clerk(s))
\$251-\$500	Cash Manager or Comptroller
\$501-\$2,500	Cash Manager or Comptroller AND at least three (3) members of Executive Staff (Secretary, Chief Financial Officer, Chief Operating Officer, General Counsel, and Executive Engineer)
\$2,501 and above	Board of Commissioners.

Ayes:

Noes:

08/17/23-KAG:alh

**ITEM 24 - APPOINTMENT OF CHIEF OPERATING OFFICER**

Motion by           seconded by

**WHEREAS**, Pursuant to Article V, Title 3, Section 1053 of the Public Authorities Law and Article V, Section 6 of the By-Laws, the Erie County Water 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 qualification, duties and compensation, subject to the provisions of the Civil Service Law of the State of New York (with designation of Executive Director) and such rules as the personnel officer of the County of Erie may adopt and make applicable to such authority;

**NOW, THEREFORE BE IT RESOLVED:**

That Charles E. Eaton, be appointed to the position of Chief Operating Officer; said appointment being subject to the approval of the Erie County Personnel Office, and to be compensated under Salary Grade 37E, Step 1 with a salary of \$175,583.20 of the Authority's Career and Salary Plan, effective September 18, 2023.

Ayes:

Noes:

08/17/23-alh