

ITEM 1 - AUTHORIZATION TO EXECUTE A CISCO SUBSCRIPTION SERVICE AGREEMENT AND TWO CHANGE ORDERS TO CISCO SUBSCRIPTION SERVICE AGREEMENT WITH EPLUS TECHNOLOGY, INC.

Motion by seconded by

WHEREAS, the Erie County Water Authority (the “Authority”) utilizes Cisco Systems, Inc. (“Cisco”) products and services to maintain network and security functions that are critical; and

WHEREAS, Cisco are sold via third party vendors; and

WHEREAS, a Request for Quote was issued under the NYS OGS Guidelines to Cisco third party vendors and ePlus Technology, Inc. (“ePlus”) was the sole vendor to submit a quote; and

WHEREAS, the pricing for the Cisco Subscription Service Agreement (the “Agreement”) submitted by ePlus follows the NYS OGS Internet Technology Umbrella Contract; and

WHEREAS, the Legal Department, the Director of Administration, and the Information Technology Department have reviewed the Agreement and recommend executing the Agreement; and

WHEREAS, David W. Aubertine, Director of Cybersecurity and Information Technology, recommends the execution of two (2) Change Orders to facilitate the transfer of Cisco products currently covered under contract with another third party vendor to ePlus;

WHEREAS, the Authority’s O&M Budget includes funds for this project under Unit 8525 Information Technology, Item No. 23 Telephone;

NOW, THEREFORE, BE IT RESOLVED:

That the Board of Commissioners approve the execution of Cisco Subscription Service Agreement with ePlus Technology, Inc; and be it further

RESOLVED: That the Board of Commissioners approve the execution of two (2) Change Orders to facilitate the transfer of Cisco products currently covered under contract with another third party vendor to ePlus; and be it further

RESOLVED: That the Chair is authorized to execute the documents stated above.

Ayes:

Noes:

06/20/24-alh

ITEM 2 - AWARD OF CONTRACT TO AMSTAR OF WNY, INC. FOR STORAGE TANK REFURBISHING – SANDRIDGE, IDENTIFIED AS CONTRACT NO. W-035-B, PROJECT NO. 202300060 - \$1,900,000.00

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 30th day of April 2024, a notice inviting sealed bids in accordance with Public Authorities Law §1069 for Storage Tank Refurbishing – Sandridge, identified as Contract No. W-035-B; and

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

BIDDERS	AMOUNT
Amstar of WNY, Inc.	\$ 1,900,000.00
Erie Painting and Maintenance, Inc.	3,440,000.00
Atlas Painting and Sheeting Corp.	3,789,000.00; and

WHEREAS, Michael W. Wymer, Senior Production Engineer and Leonard F. Kowalski, Executive Engineer have reviewed the specifications and bids and determined that Amstar 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 2502 Construction, Item No. 74 Payments to Contractors - Tanks;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority awards the contract to Amstar 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 Amstar of WNY, Inc. for Storage Tank Refurbishing – Sandridge, identified as Contract No. W-035-B, as a unit price contract for the estimated total amount of \$1,900,000.00; 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:

06/20/24-alh

ITEM 3 - APPROVAL OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH BROWN AND CALDWELL ASSOCIATES TO PROVIDE CONSULTING ENGINEERING SERVICES RELATING TO THE EVALUATION OF CERTAIN TRANSMISSION MAINS FROM THE STURGEON POINT WATER TREATMENT PLANT, IDENTIFIED AS CONTRACT NO. BC-003, PROJECT NO. 202100221

Motion by _____ seconded by _____

WHEREAS, on September 2, 2021 the Erie County Water Authority’s (the "Authority") Board of Commissioners (the “Board”) awarded Brown and Caldwell Associates (the “Engineer”) a professional services agreement to provide engineering and consulting services relating to a transient analysis and condition assessment of existing 48-inch and 42-inch transmission mains located between the Sturgeon Point Water Treatment Plant and Windom Pump Station (the “Agreement”); and

WHEREAS, the Authority requested the Engineer perform an additional condition assessment of existing sections of main that were removed following a main break; and

WHEREAS, Project funds within the Agreement need to be reallocated to compensate the Engineer for the condition assessment; and

WHEREAS, the Authority’s Chief Operating Officer and Executive Engineer recommend that the Authority reallocate \$75,000 from Project A to Special Services to account for the additional condition assessment; and

WHEREAS, in accordance with Article 5, Paragraph 5.02 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 to be effective; and

WHEREAS, the Authority’s 2024 Capital Budget includes funds for this project under Unit 2595 Eng/Const Transmission Mains, Item No. 101611 BC-003 48-inch and 42-inch Transmission Main Condition Assessment;

NOW, THEREFORE, BE IT RESOLVED:

That the Board approves amending the Agreement with Brown and Caldwell Associates to reallocate \$75,000 from Project A to Special Services to account for the additional condition assessment; and be it further

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

Ayes:
Noes:

06/20/24-alh

ITEM 4 - APPROVAL OF AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH NUSSBAUMER & CLARKE, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES 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 March 4, 2021, the Erie County Water Authority’s (the “Authority”) Board of Commissioners (the “Board”) awarded Nussbaumer & Clarke, Inc. (the “Engineer”) a Professional Service Agreement to provide Consulting Engineering Services for New Pump Station at the Newstead Water Storage Tank (the “Agreement”), identified as Contract No. NC-043; and

WHEREAS, on October 20, 2022, the parties entered into Amendment No. 1 amending the Agreement’s scope of services; and

WHEREAS, the Engineer has requested additional compensation of \$10,000 for the additional service it provided to the Authority as set forth in the Engineer’s letter dated May 23, 2024; and

WHEREAS, the Authority’s Chief Operating Officer and Executive Engineer recommend that the Authority amend the Agreement by increasing the compensation to the Engineer by \$10,000; and

WHEREAS, in accordance with Article 5, Section 5.02 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 to be effective; and

WHEREAS, the Authority’s 2024 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 Agreement with Nussbaumer & Clark, Inc. by increasing the compensation to the Engineer by \$10,000 for the additional service it provided to the Authority; and be it further

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

Ayes:

Noes:

06/20/24-alh

ITEM 5 - APPROVAL OF AMENDMENT NO. 2 TO THE CONTRACT WITH PVS NOLWOOD CHEMICALS, INC. FOR THE FURNISHING AND DELIVERING OF FLUOROSILICIC ACID TO THE ERIE COUNTY WATER AUTHORITY FOR USE IN THE TREATMENT OF WATER, IDENTIFIED AS CONTRACT NO. 22-47-12, PROJECT NO. 202200237

Motion by seconded by

WHEREAS, on December 22, 2022 the Erie County Water Authority’s (the "Authority") Board of Commissioners (the “Board”) approved a resolution to enter into a Contract with PVS Nolwood Chemicals, Inc. (the “Supplier”) for the Furnishing and Delivering of Fluorosilicic Acid to the Erie County Water Authority for Use in the Treatment of Water, identified as Contract No. 22-47-12, (the “Contract”); and

WHEREAS, the Contract, effective on December 15, 2022, provides for the furnishing and delivering of Fluorosilicic Acid to the Authority, as ordered, from December 15, 2022 until July 31, 2023; and

WHEREAS, on June 22, 2023, the parties enter into Amendment No. 1, extending the term of the Contract until July 31, 2024; and

WHEREAS, in accordance with Article 5, Paragraph 5.02 of the Contract, no modification or variation from the terms of the Contract shall be effective unless it is in writing and authorized by a resolution of the Board and signed by all parties; and

WHEREAS, the Supplier has agreed to extend the term of the Contract for an additional one-year period from August 1, 2024 until July 31, 2025, pursuant to Article 1, Paragraph 1.05 of the Contract, and based on the same terms and conditions, including pricing of \$990.00 per liquid ton of Fluorosilicic Acid; and

WHEREAS, Michael W. Wymer, Senior Production Engineer and Leonard F. Kowalski, Executive Engineer recommend approval of said Amendment No. 2; and

WHEREAS, the Authority’s 2024 O&M Budget includes funds for this project under Unit 1010 Sturgeon Point, Item No. 13 Chemicals and Unit 1015 Van de Water, Item No. 13 Chemicals;

NOW, THEREFORE, BE IT RESOLVED:

That Board approves amending the Contract with PVS Nolwood Chemicals, Inc. to extend the term of the Contract until July 31, 2025, based on the same terms and conditions, including pricing of \$990.00 per liquid ton of Fluorosilicic Acid; and be it further

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

Ayes:

Noes:

ITEM 6 - AUTHORIZATION TO CONTINUE THE USE OF A BANK ACCOUNT AT KEY BANK OF NEW YORK, N.A. FOR THE PURPOSE OF AN EMPLOYEE ACTIVITY ACCOUNT

Motion by _____ seconded by _____

WHEREAS, on July 11, 1996, the Erie County Water Authority (the "Authority") Board of Commissioners (the "Board") authorized by resolution the opening of a bank account at Key Bank of New York, N.A. for the purpose of an Employee Discount Programs Account; and

WHEREAS, since its inception, said bank account has been maintained and utilized under the label "Employee Activity Account"; and

WHEREAS, on June 5, 2024, the Authority entered into a Vending, Micro-Market and Office Refreshment Agreement with Servomation Refreshments Inc. to provide vending services to the Authority (the "Agreement"); and

WHEREAS, in accordance with the Agreement, there may be a commission rate of 5.00% on specific items; and

WHEREAS, Joyce A. Tomaka, Chief Financial Officer recommends utilizing the Employee Activity Account to receive commissions generated from Agreement; and

WHEREAS, the commissions received in the Employee Activity Account will be used to benefit Authority employees;

NOW, THEREFORE, BE IT RESOLVED:

That the Board of Commissioners approve the authorization to continue the use of a bank account at Key Bank of New York, N. A. for the purpose of an Employee Activity Account; and be it further

RESOLVED: That the commissions received in the Employee Activity Account will be used to benefit Authority employees.

Ayes:

Noes:

06/20/24-alh

ITEM 7 - AUTHORIZATION TO FILE A RECERTIFICATION OF THE RECORD OF ACTIVITIES FOR ERIE COUNTY WATER AUTHORITY COMMISSIONERS JEROME D. SCHAD AND MICHELLE M. IANNELLO

Motion by seconded by

WHEREAS, Title 2, Chapter VI, Part 315 of The Codes, Rules and Regulations of New York State establishes criteria for reporting employee information to the New York State and Local Employees' Retirement System ("NYSLRS"); and

WHEREAS, NYSLRS requires all appointed officials beginning a new term to complete a three-month record of activities and to establish a standard workday to be used in the monthly reporting; and

WHEREAS, on August 19, 2021, the Erie County Water Authority's (the "Authority") Board of Commissioners established a Standard Work Day and Record of Activities for Commissioner Schad and Commissioner Iannello; and

WHEREAS, a Record of Activities is valid for up to eight years and Commissioner Schad and Commissioner Iannello assert that their previously completed Record of Activities still represents their responsibilities and hours; and

WHEREAS, Commissioner Schad and Commissioner Iannello may submit a Recertification of the Record of Activities instead of completing a new Record of Activities for their current term; and

WHEREAS, the Recertification is accepted by this Board and kept in the individual personnel files of Commissioner Schad and Commissioner Iannello; and

NOW, THEREFORE, BE IT RESOLVED:

That the Board of Commissioners accept the Recertification of the Record of Activities for Commissioner Schad and Commissioner Iannello; and be it further

RESOLVED: That the Secretary is directed to keep the Recertification of the Record of Activities on file and submit to NYSRLS only upon request.

Ayes:

Noes:

06/20/24-JRB:alh

ITEM 8 - 2024-2025 INSURANCE COVERAGE AND AUTHORIZATION TO BIND AND PAY INSURANCE INVOICES

Motion by seconded by

WHEREAS, the Erie County Water Authority (the "Authority") maintains insurance coverage for its properties and protection from loss, damage, or liability, arising from the operation, improvement, maintenance, or repair of its water system for which commercially available insurance coverage is available; and

WHEREAS, the Authority has designated Lawley, LLC ("Lawley"), as its insurance broker for the purpose of seeking, negotiating, and securing commercially available insurance coverage in the following areas: general liability, property, auto, crime, cyber, employees and public officers, security guard liability, workers compensation and disability, and such umbrella coverage as necessary; and

WHEREAS, in consultation with the Authority's Chief Financial Officer and its General Counsel, Lawley has marketed the Authority's pre-approved insurance protection program by soliciting coverage and pricing from the marketplace; and

WHEREAS, at a regular meeting of the Board held on June 20, 2024, Lawley presented a report on the results of the marketing effort as of that date; and

WHEREAS, the Authority will be required to bind coverage for each type of insurance coverage no later than June 30, 2024, for such insurance coverage to be effective July 1, 2024 through June 30, 2025, and

WHEREAS, working with the Authority's Chief Financial Officer, Lawley will continue to solicit the best rates and coverage within the marketplace prior to the June 30, 2024 deadline;

NOW, THEREFORE, BE IT RESOLVED:

That the Board of Commissioners (the "Board") hereby authorizes, Joyce A. Tomaka as the Authority's Chief Financial Officer to bind coverage as identified in this resolution including but not limited to completing all applications or such other forms necessary to secure sufficient insurance coverage, and be it further

RESOLVED, the Board directs the Chief Financial Officer to file a final report with the carrier's name, type of coverage, coverage and deduction limitations, and such other information relating to the sufficiency of such coverage, and be it further

RESOLVED: upon receipt, invoices from Lawley, LLC for subject coverage's be referred to the Comptroller's Office for verification, and if found to be in order, that said invoices be approved and the Treasurer is authorized to pay the same.

Ayes:
Noes:

ITEM 9 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2024 WATERMAIN REPLACEMENT, TOWN OF CHEEKTOWAGA, IDENTIFIED AS CONTRACT NO. DA-011, PROJECT NO. 202100031 - \$25,000

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 Quinn, Senior Distribution Engineer, funding is needed for budget item 101594 DA-011 Waterline Replacement; 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>
2590	101594	DA-011 Waterline Replacement	<u>\$ 25,000</u>	
2590	101672	WSA-018 Distribution System Upgrade		<u>\$ 25,000</u>
Totals			\$ 25,000	\$ 25,000;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority's Annual Capital Budget for the fiscal year 2024 be amended as listed above.

Ayes:

Noes:

06/20/24-JRB:alh

ITEM 10 - SALARY INCREMENTS - JULY 1, 2024

Motion by seconded by

WHEREAS, the Erie County Water Authority (the "Authority") adopted a Career and Salary Plan for its employees, which, among other things, provides a five-step wage and salary increment schedule; said increments shall be granted after due consideration of merit and quality of individual performance; and

WHEREAS, the compensation for each increment shall be as specified in the salary schedules for each specific salary grade; and

WHEREAS, satisfactory evaluations have been presented to the Board for the employees listed on the attached sheet recommending increments;

NOW, THEREFORE, BE IT RESOLVED:

That the awarding of salary increments to the employees listed on the attached sheet in their respective salary grades and to the steps listed on their increment anniversary, namely July 1, 2024 is approved and ratified; and be it further

RESOLVED: That the Comptroller is hereby directed to pay said increments in accordance with the amendment to the Career and Salary Plan herein described.

Ayes:

Noes:

06/20/24-alh