

ITEM 1 - AUTHORIZATION TO ENTER INTO A HOLD HARMLESS AND INDEMNITY AGREEMENT RELATIVE TO THE WOHLHUETER TANK, TOWN OF BOSTON, PROJECT NO. 199300453

Motion by seconded by

WHEREAS, the Erie County Water Authority (the “Authority”) operates and maintains a water storage tank (“Wohlhueter Tank”) under a Lease Management Agreement with the Town of Boston (the “Town”); and

WHEREAS, the Wohlhueter Tank property is owned by the Town and is subject to an easement (the “Easement”) granted to the Town by Paul and Crystal Black (the “Blacks”); and

WHEREAS, the Easement allows for ingress and egress by pedestrians and vehicles between the Wohlhueter Road and the Town Property and includes the non-exclusive right of the Town, its successors, agents, employees, contractors, invitees, and designees, including the ECWA, to install a driveway and related drainage facilities upon the Easement and to enter upon the Easement at any and all times for purposes of maintenance and repair of the tank and associated facilities and property; and

WHEREAS, recently the Blacks have installed a gate on the Easement area which at times blocks access to the Wohlhueter Tank property for emergency and routine maintenance; and

WHEREAS, the Blacks have agreed to indemnify and hold both the Town and the Authority harmless as to any damage and/or injuries which may be caused as a result of the installation of said gate; and

WHEREAS, in conjunction with the Town, the Authority’s Legal Department has developed a Hold Harmless and Indemnity Agreement (the “Agreement”) which has been executed by both the Blacks and the Town; and

WHEREAS, Mark S. Carney, General Counsel, recommends that the Authority enter into the Agreement with the Blacks and the Town;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority’s Board of Commissioners approve the execution of the Hold Harmless and Indemnity Agreement with Paul and Crystal Black and the Town of Boston; and be it further

RESOLVED: That the Chair is hereby authorized to execute the Agreement on behalf of the Authority.

Ayes:

Noes:

07/18/24-alh

ITEM 2 - AUTHORIZATION TO EXECUTE A SERVICE AGREEMENT WITH TIME WARNER CABLE NORTHEAST, LLC D/B/A SPECTRUM ENTERPRISE RELATIVE TO INTERNET SERVICES, STATE CONTRACT NO. PS68706

Motion by seconded by

WHEREAS, the Erie County Water Authority (the “Authority”) currently utilizes Time Warner Cable Northeast LLC d/b/a Spectrum (“Spectrum”) for its ethernet private line services (fiber point-to-point) at Authority locations; and

WHEREAS, the Authority’s SCADA system utilizes its communication network to relay vital information from the Authority’s pump stations regarding the status of the pumps; and

WHEREAS, the Authority and the Town of Evans agree an additional connection with Spectrum is needed at the Evans Tank and Pump Station to provide network connectivity and ensure constant monitoring of the pumps; and

WHEREAS, Town of Evans will be invoiced by Spectrum for any charges incurred for the installation of the circuit; and

WHEREAS, the proposed Service Agreement is for five (5) years and the Authority would be responsible for the monthly connectivity charge of \$940.00; and

WHEREAS, the pricing for the new service follows the NYS OGS Contract; and

WHEREAS, David W. Aubertine, Director of Cybersecurity and Information Technology recommends executing a Service Agreement with Spectrum for the additional Spectrum connection; and

WHEREAS, the Authority’s 2024 O&M Budget includes funds for this project under Unit 8525 Information Technology, Item No. 23 Telephone;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority’s Board of Commissioners approves entering into a Service Agreement with Spectrum for the abovementioned services; and be it further

RESOLVED: That the Chair is authorized to execute the Service Agreement on behalf of the Authority.

Ayes:

Noes:

07/18/24-alh

ITEM 3 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH DRESCHER & MALECKI, LLP TO PROVIDE PROFESSIONAL AUDIT AND ACCOUNTING ADVISORY SERVICES FOR EACH OF ITS FISCAL YEARS ENDING DECEMBER 31, 2024, 2025 AND 2026

Motion by seconded by

WHEREAS, on June 3, 2024, the Erie County Water Authority's ("Authority") issued a Request for Proposals ("RFP") to qualified Independent Certified Public Accountants to provide audit and accounting advisory services for each of its fiscal years ending December 31, 2024, 2025 and 2026; and

WHEREAS, a copy of the RFP was sent to:

CTBK, LLP
Drescher & Malecki, LLP
Freed Maxick CPAs PC
Lumsden & McCormick CPA; and

WHEREAS, the RFP was also posted on the Authority's website; and

WHEREAS, Drescher & Malecki, LLP and CliftonLarsonAllen, LLP responded to the RFP; and

WHEREAS, the RFP process was conducted pursuant to the enacted state legislation (New York State Finance Law §§139-j and 139-k) and the Authority's Purchasing Guidelines, Policies and Procedures; and

WHEREAS, upon evaluating the response to the RFP, the Authority deems it advisable to have Drescher & Malecki, LLP provide audit and accounting advisory services for each of its fiscal years ending December 31, 2024, 2025 and 2026; and

WHEREAS, Jessica R. Brown, Comptroller and Joyce A. Tomaka, Chief Financial Officer recommend that the Authority accept the proposal of Drescher & Malecki, LLP to provide audit and accounting advisory services for each of its fiscal years ending December 31, 2024, 2025 and 2026;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority accepts the proposal of Drescher & Malecki, LLP to provide audit and accounting advisory services for each of its fiscal years ending December 31, 2024, 2025 and 2026; and be it further

RESOLVED: That the Chair is hereby authorized to execute said agreement on behalf of the Authority.

Ayes:

Noes:

07/18/24-alh

ITEM 4 - APPROVAL OF CHANGE ORDER NO. 1 OF UNION CONCRETE AND CONSTRUCTION CORP. FOR STURGEON POINT WATER TREATMENT PLANT SHORELINE STABILIZATION, IDENTIFIED AS CONTRACT NO. GZA-001, PROJECT NO. 202200039 - \$53,379.44

Motion by seconded by

WHEREAS, on January 18, 2024, the Erie County Water Authority's (the "Authority") Board of Commissioners (the "Board") approved a resolution to enter into a contract with Union Concrete and Construction Corp. (the "Contractor") Sturgeon Point Water Treatment Plant Shoreline Stabilization, identified as Contract No. GZA-001 (the "Contract"); and

WHEREAS, the Contractor has submitted Change Order No. 1 to request the following changes:

1. **Modification 001-** 18-inch Diameter Outfall Pipe Rehabilitation: Removal and replacement of approximately 90 linear feet of existing 18-inch diameter reinforced concrete drainpipe. The total cost for this work will increase the project by \$53,379.44.
2. **Modification 002-** Security Allowance Decrease and General Contingency Allowance Increase: Decrease of \$20,000.00 to Bid Item No. 3 Security Allowance and increase of \$20,000.00 to Bid Item No. 4 General Contingency Allowance.
3. **Modification 003-** Completion Time Increases: Extend the dates for Substantial Completion to September 1, 2024 and the date for Final Payment to October 1, 2024; and

WHEREAS, the reason for Modification 001 is due to the discovery of a significant crack/displacement at the 18-inch diameter tee during construction; and

WHEREAS, the reason for Modification 002 is to provide further funds for use in placement of additional armor stone beyond the contract quantity, if needed; and

WHEREAS, the reason for Modification 003 is due to the additional time needed to acquire the materials and complete the necessary work; 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 2024 Capital Budget includes funds for this project under Unit 2510 Eng/Const Sturgeon Point, Item No. 101666 Sturgeon Point Shoreline Protection;

NOW, THEREFORE, BE IT RESOLVED:

That Change Order No. 1 of Union Concrete and Construction Corp. 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:

ITEM 5 - APPROVAL OF CHANGE ORDER NO. 1 OF KANDEY COMPANY INC. FOR LARGE SERVICES CONTRACT, PROJECT NO. 20230003, CONTRACT NO. 23-01-02 - \$151,150.00

Motion by seconded by

WHEREAS, on January 19, 2023, the Erie County Water Authority's (the "Authority") Board of Commissioners approved a resolution to enter into a Contract with Kandey Company, Inc. (the "Contractor") for Large Services Contract, identified as Contract No. 23-01-02 (the "Contract"); and

WHEREAS, the Contractor has submitted Change Order No. 1 in the sum of \$151,150.00 to provide for the installation of a water service to the new Buffalo Bills Stadium; and

WHEREAS, the reason for said change is to account for work not originally covered in the existing contract; and

WHEREAS, Michael J. Quinn, Senior Distribution Engineer and Leonard F. Kowalski, Executive Engineer recommend approval of said Change Order No. 1; and

WHEREAS, large service installations are paid for by the applicant under a separate agreement from the Contract and any additional charges associated with Change Order No. 1 will be invoiced to the applicant;

NOW, THEREFORE, BE IT RESOLVED:

That Change Order No. 1 of Kandey Company, Inc. in the amount of \$151,150.00 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:

07/18/24-alh

ITEM 6 - APPROVAL OF AMENDMENT NO. 3 TO THE CONTRACT WITH BISON LABORATORIES, INC. FOR THE FURNISHING AND DELIVERING OF SODIUM HYPOCHLORITE TO THE ERIE COUNTY WATER AUTHORITY FOR USE IN THE BOOSTER STATIONS, IDENTIFIED AS CONTRACT NO. 22-25-07, PROJECT NO. 202200139

Motion by _____ seconded by _____

WHEREAS, on July 21, 2022, the Erie County Water Authority’s (the “Authority”) Board of Commissioners (the “Board”) approved entering into a contract with Bison Laboratories, Inc. (the “Supplier”) for the furnishing and delivering of Sodium Hypochlorite to the Erie County Water Authority for use in the Booster Stations for one year, Contract No. 22-25-07 (the “Agreement”); and

WHEREAS, on December 15, 2022, the parties executed Amendment No. 1 increasing the unit price of each five (5) gallon carboy of Sodium Hypochlorite to \$15.00; and

WHEREAS, on July 20, 2023, the parties executed Amendment No. 2 extending the Agreement through July 31, 2024; and

WHEREAS, in accordance with paragraph 1.04 of the Contract, the parties may agree to extend the Contract under the same terms and conditions, or upon such terms and conditions acceptable to the Authority, for two (2) additional one (1) year terms; and

WHEREAS, in accordance with paragraph 5.02 of the Contract, the parties may amend the Contract by written amendment authorized by resolution of the Board and signed by all parties; and

WHEREAS, the Supplier has agreed to extend the term of this Contract for an additional one year period from August 1, 2024 until July 31, 2025, based on the same terms and conditions, including pricing of \$15.00 for each five (5) gallon carboy of sodium hypochlorite; and

WHEREAS, the Authority’s O&M Budget includes funds for this project under Unit 1020 Control Operations, Item No. 13 Chemicals;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority’s Board of Commissioners approves amending the Contract with Bison Laboratories, Inc. by extending the Contract for an additional one year period from August 1, 2024 until July 31, 2025, based on the same terms and conditions, including pricing of \$15.00 for each five (5) gallon carboy of sodium hypochlorite; and be it further

RESOLVED: That the Chair is authorized to execute Amendment No. 3 on behalf of the Authority.

Ayes:
Noes:

07/18/24-alh

ITEM 7 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2024 – CONFINED SPACE VEHICLE - \$85,000

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 the Administration Department that funding is needed for a new Confined Space Vehicle – V121; 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>
1090	101760	Vehicle 121	<u>\$ 85,000</u>	
1090	101552	Vehicle 87		\$ 50,000
1090	101553	Vehicle 108		<u>\$ 35,000</u>
		Totals	\$ 85,000	\$ 85,000;

NOW, THEREFORE, BE IT RESOLVED:

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

Ayes:

Noes:

07/18/24-JRB:alh

ITEM 8 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH SYSTEMS PERSONNEL, INC. FOR PROFESSIONAL EMPLOYMENT SERVICES

Motion by seconded by

WHEREAS, the Office of the Secretary, serving the Erie County Water Authority (the “Authority”) as the Personnel Department, is tasked with the duties of recruitment and hiring of new employees; and

WHEREAS, pursuant to Public Authorities Law §1053(3), all appointments made by the Authority are subject to the civil service laws of the State of New York and such rules as may be adopted and made applicable to the Authority by the Erie County Personnel Department; and

WHEREAS, when a competitive position is vacant, but no civil service list is in existence, the Secretary and the Division Head shall devise a Recruitment Plan to fill the vacant position on a provisional basis, pending a competitive examination; and

WHEREAS, it has become increasingly difficult to recruit qualified individuals for both competitive and non-competitive positions; and

WHEREAS, the Authority desires to retain the services of Systems Personnel, Inc. (the “Consultant”) in soliciting and screening highly qualified applicants with the required knowledge, skills, and abilities; and

WHEREAS, the Consultant is a full-service search staffing agency that has previously provided these services to the Authority; and

WHEREAS, the Consultant has presented a candidate, Mr. Brandon Anderson, who possesses the skills and knowledge that would be a great asset to the Information Technology Department; and

WHEREAS, the Interview Committee determined that Mr. Anderson would bring considerable knowledge and experience to the Authority; and

WHEREAS, Terrence D. McCracken, Secretary to the Authority, recommends executing a one-time agreement with Systems Personnel, Inc. for the recruitment service fees associated with the placement of Mr. Anderson; and

WHEREAS, the Authority’s 2024 O&M Budget includes funds for this project under Unit 7510 General Expenses, Item No. 20 Miscellaneous;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority’s Board of Commissioners approves the execution of a one-time agreement with Systems Personnel, Inc. for the recruitment service fees associated with the placement of Mr. Anderson; and be it further

RESOLVED: That the Chair is authorized to execute the one-time agreement with Systems Personnel, Inc. on behalf of the Authority.

Ayes:

Noes:

07/18/24-alh