

**ITEM 1 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICE AGREEMENT WITH INNOMOTICS, LLC TO FOR THE UPGRADE OF EXISTING VARIABLE FREQUENCY DRIVES AT STURGEON POINT WATER TREATMENT PLANT AND BALL PUMP STATION, IDENTIFIED AS CONTRACT NO. ROB-010, PROJECT NO. 202400003**

Motion by Mr. \_\_\_\_\_ seconded by Mr. \_\_\_\_\_

**WHEREAS**, the Erie County Water Authority ("Authority") owns and operates five (5) Siemens/Robicon Variable Frequency Drives ("Drives") contained at the Authority's Sturgeon Point Water Treatment Plant and Ball Pump Station; and

**WHEREAS**, these sites are critical to the operation of the Authority's distribution system; and

**WHEREAS**, the Drives are used to adjust the speeds of the pumps to modify flows and pressures within the distribution system, and the automation of the SCADA system is highly dependent on the use of Drives in which this contract is used to ensure that the Drives are properly maintained; and

**WHEREAS**, the Drives are specialized equipment, and it is critical to have the services provided by the manufacturer to ensure the Drives are functioning properly during periods of high demand; and

**WHEREAS**, Innomotics, LLC will provide engineering services, material, and on-site labor to perform required upgrades on the Drives; and

**WHEREAS**, Innomotics, LLC is an Authority-approved, single source vendor for the Drives; and

**WHEREAS**, Michael Wymer, Sr. Production Engineer and Leonard Kowalski, Executive Engineer recommend entering into a Professional Service Agreement with Innomotics, LLC for the abovementioned services; and

**WHEREAS**, the Authority's 2025 Capital Budget includes funds for this project under Unit 1025 Instrumentation, Item 101748 STP High Service VFD Upgrade;

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

That the Authority enters into a Professional Service Agreement with Innomotics, LLC to provide engineering services, material, and on-site labor to perform required upgrades on five (5) Siemens/Robicon Variable Frequency Drives contained at the Authority's Sturgeon Point Water Treatment Plant and Ball Pump Station; and be it further

**RESOLVED:** That the Chair is hereby authorized to execute said agreement on behalf of the Authority once it has been finalized and approved by the Authority's General Counsel.

Ayes:

Noes:

12/19/24-alh

**ITEM 2 - AWARD OF CONTRACT TO CONCRETE APPLIED TECHNOLOGIES CORP. D/B/A CATCO FOR WATER SYSTEM IMPROVEMENTS 36 & 42-INCH TRANSMISSION MAIN REPLACEMENT, PROJECT NO. 201800074- \$14,783,120.00**

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 15<sup>th</sup> day of October 2024, a notice inviting sealed bids in accordance with Public Authorities Law §1069 for Water System Improvements 36 & 42-inch Transmission Main Replacement; and

**WHEREAS**, Authority personnel opened sealed bids in the office of the Authority on the 19<sup>th</sup> day of November 2024, at 10:00 a.m., local time, and were as follows:

<u><b>BIDDERS</b></u>	<u><b>AMOUNT</b></u>
Concrete Applied Technologies Corp d/b/a CATCO	\$14,783,120.00
Kandey Company Inc.	\$17,953,425.00; and

**WHEREAS**, Michael J. Quinn, Sr. Production Engineer, and Leonard F. Kowalski, Executive Engineer, have reviewed the specifications and bids and determined that Concrete Applied Technologies Corp d/b/a CATCO 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 2025 Capital Budget includes funds for this project under Unit 2595 Eng/Const Transmission Mains, Item No. 101362 W-30 Transmission Main Replacement;

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

That the Authority awards the contract to Concrete Applied Technologies Corp d/b/a CATCO as the lowest responsible bidder for the abovementioned project, and be it further

**RESOLVED:** That the Chair is authorized to execute a contract with Concrete Applied Technologies Corp d/b/a CATCO for Water System Improvements 36 & 42-inch Transmission Main Replacement as a unit price contract for the estimated total amount of \$14,783,120.00; 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:

12/19/24-alh

**ITEM 3 - AWARD OF CONTRACT TO FOREST MATERIALS, INC. FOR THE FURNISHING AND DELIVERING OF VARIOUS WOOD PRODUCTS TO THE ERIE COUNTY WATER AUTHORITY FROM JANUARY 1, 2025 THROUGH DECEMBER 31, 2025, PROJECT NO. 202500005- \$24,862.50**

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 23<sup>rd</sup> day of October 2024, a notice inviting sealed bids in accordance with Public Authorities Law §1069 for the furnishing and delivering of various wood products to the Erie County Water Authority from January 1, 2025 through December 31, 2025; and

**WHEREAS**, Authority personnel opened sealed bids in the office of the Authority on the 14<sup>th</sup> day of November 2024, at 11:00 a.m., local time, and were as follows:

<b><u>BIDDERS</u></b>	<b><u>AMOUNT</u></b>
Forest Materials, Inc.	\$24,862.50
Bison Contracting & Builders Supply	\$28,159.75
Summit Hardwood Products	\$32,105.00
Lardon Construction Corporation	\$37,463.75
NOCO Enterprises, LLC	\$41,380.00; and

**WHEREAS**, Lavonya C. Lester, Director of Administration has reviewed the specifications and bids and determined that Forest Materials, 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 2025 O&M Budget includes funds for this project under Unit 2010 Line Maintenance, Item No. 10 Materials and Supplies;

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

That the Authority awards the contract to Forest Materials, 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 Forest Materials, Inc. for the furnishing and delivering of various wood products to the Erie County Water Authority from January 1, 2025 through December 31, 2025 as a unit price contract for the estimated total amount of \$24,862.50; 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 4 - APPROVAL OF CHANGE ORDER NO. 1 OF E&R GENERAL CONSTRUCTION, INC. FOR WATER SYSTEM IMPROVEMENTS, TRANSMISSION AND DISTRIBUTION MAINS IN THE TOWNS OF HAMBURG AND WEST SENECA AND THE CITY OF LACKAWANNA, IDENTIFIED AS CONTRACT NO. GP-010, PROJECT NO. 202100035 - \$180,000.00**

Motion by                      seconded by

**WHEREAS**, on October 20, 2022, the Erie County Water Authority’s (the "Authority") Board of Commissioners approved a resolution to enter into a Contract with E&R General Construction, Inc. (the “Contractor”) for Water System Improvements, Transmission and Distribution Mains in the Towns of Hamburg and West Seneca and the City of Lackawanna, identified as Contract No. GP-010 (the “Contract”); and

**WHEREAS**, the Contractor has submitted Change Order No. 1 in the sum of \$180,000.00 to increase the Contract Pay Item 16A – Contingency Allowance and to request an extension to the Substantial Completion Date and the Final Completion Date; and

**WHEREAS**, the initial Substantial Completion date and Final Completion date in the contract was December 18, 2023 and May 27, 2024, respectively, and the newly proposed dates are September 30, 2024 and October 31, 2024; and

**WHEREAS**, one reason for said change is to account for an unforeseen area of contaminated soils the Contractor was required to handle and dispose of as directed by the New York State Department of Environmental Conservation resulting in additional costs and time delays; and

**WHEREAS**, the Contractor also encountered time delays and additional costs due to unanticipated delays in the necessary Railroad Occupancy Permit needed for the installation of the new transmission main under the at-grade railroad crossing on Willet Road; and

**WHEREAS**, Michael J. Quinn, Senior Distribution 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 2595 Eng/Const Transmission Mains, Item No. 101599 GP-10 Transmission Main Replacement;

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

That Change Order No. 1 of E&R General Construction, Inc. 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:

12/19/24-alh

**ITEM 5 - APPROVAL OF CHANGE ORDER NO. 1 OF AMSTAR OF WESTERN NEW YORK INC. FOR WATER STORAGE TANK REFURBISHING – SANDRIDGE TANK, IDENTIFIED AS CONTRACT NO. W-035-B, PROJECT NO. 202300060**

Motion by                      seconded by

**WHEREAS**, on June 20, 2024, the Erie County Water Authority’s (the "Authority") Board of Commissioners approved a resolution to enter into a contract with Amstar of Western New York, Inc. (the “Contractor”) for Storage Tank Refurbishing – Sandridge Tank, identified as Contract No. W-035-B (the “Contract”); and

**WHEREAS**, the Contractor has submitted Change Order No. 1 to request a Substantial Completion time extension; and

**WHEREAS**, the original Substantial Completion date per the Contract was November 22, 2024 and the Contractor has proposed a new Substantial Completion date of December 20, 2024; and

**WHEREAS**, the reason for said change is to account for the coordination between existing underground utilities and a new catch basin; and

**WHEREAS**, Change Order No. 1 will allow the Contractor to complete the necessary tasks while keeping the Final Completion date remaining June 7, 2025; and

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

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

That Change Order No. 1 of with Amstar of Western New York, Inc. to extend the Substantial Completion date to December 20, 2024; and be it further

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

Ayes:

Noes:

12/19/24-alh

**ITEM 6 - APPROVAL OF CHANGE ORDER NO. 2 OF DN TANKS OF NEW YORK, LLC FOR STURGEON POINT WATER TREATMENT PLANT WASHWATER TANK REPLACEMENT, IDENTIFIED AS CONTRACT NO. MP-088, PROJECT NO. 202100111 - \$56,385.85**

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

**WHEREAS**, on March 23, 2023, the Erie County Water Authority's (the "Authority") Board of Commissioners (the "Board") approved a resolution to enter into a contract with DN Tanks of New York, LLC. (the "Contractor") for Sturgeon Point Water Treatment Plant Washwater Tank Replacement, identified as Contract No. MP-088 (the "Contract"); and

**WHEREAS**, on September, 19, 2024, the Board approved Change Order No. 1 in the sum of \$97,645.90 to increase Bid Item No. 1 General Construction and an increase of 365-calendar days to the Substantial Completion date and Ready for Final Payment date; and

**WHEREAS**, the Contractor submitted Change Order No. 2 in the sum of \$56,385.85 to increase Bid Item No. 1 General Construction; and

**WHEREAS**, the reason for said change is to account for a change in the contract price associated with additional excavation required to achieve an acceptable subgrade for the tank foundation; and

**WHEREAS**, Michael J. Quinn, Senior Distribution Engineer and Leonard F. Kowalski, Executive Engineer recommend approval of said Change Order No. 2; and

**WHEREAS**, the Authority's 2024 Capital Budget includes funds for this project under Unit 2510 Eng/Const Sturgeon Point, Item No. 101608 Washwater Tank Replacement;

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

That Change Order No. 2 of DN Tanks of New York, LLC. in the amount of \$56,385.85 to provide for the abovementioned change be approved; and be it further

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

Ayes:

Noes:

12/19/24-alh

**ITEM 7 - APPROVAL OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES CONTRACT WITH NUSSBAUMER & CLARKE, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES FOR TRANSMISSION MAINS IN THE CITY OF LACKAWANNA AND THE TOWN OF WEST SENECA, IDENTIFIED AS CONTRACT NO. NC-041, PROJECT NO. 202000072 - \$64,700.00**

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

**WHEREAS**, on February 13, 2020, the Erie County Water Authority (the “Authority”) Board of Commissioners (the “Board”) approved a resolution to enter into a professional service contract with Nussbaumer & Clarke, Inc. (the “Engineer”) to provide engineering and consulting services relating to Transmission Mains in the City of Lackawanna and the Town of West Seneca, identified as Contract No. NC-041 (the “Contract”); and

**WHEREAS**, due to a number of property related issues arising out of the proposed main alignment as well as an Authority decision to divide the project into multiple phases, additional engineering services are required to assist with easement coordination, refine the final alignment, receive final easement approval, and provide additional design services related to bidding in such phases; and

**WHEREAS**, the Engineer has requested additional fees totaling \$64,700.00 to cover the costs of the additional work performed; and

**WHEREAS**, the Authority’s Chief Operating Officer and Executive Engineer recommend that the Authority amend the Contract by increasing the compensation to the Engineer by \$64,700.00; and

**WHEREAS**, in accordance with Paragraph 5 of the Contract, any modification or variation from the terms of the Contract, 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 and 2025 Capital Budgets include funds for this project under Unit 2595 Eng/Const Transmission Mains, Item No. 101533 NC-041 Transmission Main Replacement;

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

That the Board approves amending the Contract with Nussbaumer & Clarke, Inc. to increase the compensation to the Engineer by \$64,700.00; and be it further

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

Ayes:

Noes:

12/19/24-alh

**ITEM 8 - APPROVAL OF AMENDMENT NO. 3 TO THE PROFESSIONAL SERVICES AGREEMENT WITH ARCADIS OF NEW YORK, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES FOR BALL PUMP STATION PHASE 1 REHABILITATION, IDENTIFIED AS CONTRACT NO. MP-086, PROJECT NO. 202000177 - \$100,000.00**

Motion by                      seconded by

**WHEREAS**, on June 18, 2020, the Erie County Water Authority (the “Authority”) Board of Commissioners (the “Board”) approved a resolution to enter into a professional service agreement with Arcadis of New York, Inc. (the “Engineer”) to provide engineering and consulting services relating to Phase I of the rehabilitation of the Ball Pump Station, identified as Contract No. MP-086 (the “Agreement”); and

**WHEREAS**, on June 16, 2022, the parties executed Amendment No. 1 to the Agreement to amend the scope of services and increase the Engineer’s fees; and

**WHEREAS**, on September 20, 2023, the parties executed Amendment No. 2 to the Agreement to increase the Special Services amount to provide funds to conduct a feasibility study; and

**WHEREAS**, based on the recommendation of the Authority’s Chief Executive Officer and Executive Engineer, the Authority seeks to amend the Agreement to increase the total not to exceed amount for Special Services to enable the Engineer to complete a cost assessment of the project and for special services necessary during construction; and

**WHEREAS**, the Engineer has requested additional funds of \$100,000.00 for Special Services to complete the study; 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 and 2025 Capital Budgets include funds for this project under Unit 2520 Eng/Const Control, Item No. 101512 Ball PS - Pumping Improvements;

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

That the Board approves amending the Agreement with Arcadis of New York, Inc. to increase the funds for Special Services not to exceed by \$100,000.00, changing the current figure of \$118,600.00 to \$218,600.00; and be it further

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

Ayes:

Noes:

12/19/24-alh



**ITEM 9 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2024 STURGEON POINT FILTRATION SYSTEM IMPROVEMENTS, IDENTIFIED AS CONTRACT NO. MP-090, PROJECT NO. 202200014 - \$4,500,000.00**

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 101506 Filter Gallery Piping Design; 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>
2510	101506	MP-090 Filter Gallery Piping Design	<u>\$ 4,500,000</u>	
1030	101664	MP-091 Corrosion Control Program Management		<u>\$ 4,500,000</u>
Totals			\$ 4,500,000	\$ 4,500,000;

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

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

Ayes:

Noes:

12/19/24-alh

**ITEM 10 - SALARY INCREMENTS - JANUARY 1, 2025**

Motion by      seconded by

**WHEREAS**, the Erie County Water 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;

**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 January 1, 2025 is hereby approved; 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:

12/19/24-alh

**ITEM 11 - FIRST LONGEVITY INCREMENTS - JANUARY 1, 2025**

Motion by           seconded by

**WHEREAS**, by Item No. 2 of the Minutes of the Meeting of January 31, 1963, the Erie County Water Authority adopted the following amendment to its Career and Salary Plan to provide for a longevity increment:

When an employee holding a position allocated to a salary grade prescribed in the Erie County Water Authority's Career and Salary Plan, adopted by resolution of the Authority dated October 11, 1956, has reached, by or after January 1, 1964, a salary equal to or in excess of the maximum salary grade of the grade of his/her position, a position in the same salary grade for a period of five (5) years in the aggregate, he/she shall be entitled on the first day of the fiscal year following completion of such service, to receive an additional increment of the grade to which his/her position is allocated, provided, however, that the salary of such employee shall not be increased pursuant to this provision to an amount in excess of the maximum salary of the grade of his/her position plus one additional increment of such grade; and

**WHEREAS**, the employees listed on the attached sheet are entitled to a first longevity increment inasmuch as the date of their last regular increment was four years or more; and

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

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

That the awarding of first longevity increments to the employees listed on the attached sheet in the grade to which their positions are allocated commencing January 1, 2025 in accordance with the aforementioned amendment to the Career and Salary Plan is hereby approved; 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:

12/19/24-alh

## ITEM 12 - ADDITIONAL LONGEVITY INCREMENTS - JANUARY 1, 2025

Motion by                      seconded by

**WHEREAS**, by resolution identified as Item No. 27 of the Minutes of the Meeting of April 1, 1969, the Erie County Water Authority (the “Authority”) adopted the amendment to its Career and Salary Plan for hourly-rated employees in Sub Grade 1 through Grade 6, inclusive, to provide, among other things, a second longevity increment; and

**WHEREAS**, said increment is as follows:

When an employee has received his/her first longevity increment in accordance with the provisions of Item No. 2 of the Minutes of the Meeting of January 31, 1963, and continues in the same position for an additional five (5) years without increments, he /she shall be entitled, on such first day of the fiscal year following completion of such service, to receive a second longevity increment of the grade to which his/her position is allocated, provided, however that the salary of such employee shall not be increased pursuant to this provision to an amount in excess of the maximum salary of the grade of his/her position plus two additional increments in such grade; and

**WHEREAS**, by resolution identified as Item No. 31 of the Minutes of the Meeting of February 10, 1970, the Authority amended its Career and Salary Plan for annual salaried employees in Grade 1 through 36 inclusive, to provide the aforementioned second longevity increment to these employees; and

**WHEREAS**, by resolution identified as Item No. 6 of the Minutes of the Meeting of April 1, 1971, the Authority authorized a third longevity increment to be provided after an employee continues in the same position for an additional five (5) years without increments; said increment shall not exceed the salary grade of the position to an amount in excess of the maximum salary of the grade plus three (3) additional increments of such grade; and

**WHEREAS**, by resolution identified as Item No. 27 of the Minutes of the Meeting of March 12, 1987, the Authority authorized a fourth longevity step for employees in the white-collar bargaining unit and employees not eligible for membership in a collective bargaining unit; said increment to be provided after an employee is in the same salary grade for an additional five (5) years without increments after receiving his/her third longevity increment; and

**WHEREAS**, by resolution identified as Item No. 38 of the Minutes of the Meeting of July 9, 1987, the Authority authorized the aforementioned fourth longevity step under the same conditions for employees in the Blue Collar Bargaining Unit; and

**WHEREAS**, by resolution identified as Item No. 22 of the Minutes of the Meeting of September 9, 1999, the Authority authorized a fifth longevity step and reduced the interval from five (5) years to four (4) years for employees in the White Collar Bargaining Unit; and

**WHEREAS**, that the employees listed on the attached sheet are entitled to additional longevity increments effective January 1, 2025 in accordance with the terms of the Authority's Career and Salary Plan; and

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

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

That the awarding of additional longevity increments to the employees listed on the attached sheet in the grades to which their positions are allocated commencing January 1, 2025 in accordance with the aforementioned amendment to the Career and Salary Plan is hereby approved; and be it further

**RESOLVED:** That the Comptroller is hereby directed to pay said increments to the above employees.

Ayes:

Noes:

12/19/24-alh

**ITEM 13 - AUTHORIZATION TO AMEND THE WAGE SCHEDULE FOR BI-WEEKLY EMPLOYEES NOT ELIGIBLE FOR MEMBERSHIP IN A COLLECTIVE BARGAINING UNIT**

Motion by                      seconded by

**WHEREAS**, the Erie County Water Authority (the "Authority") annually amends by resolution the wage schedule for all non-representative employees whose positions have been classified as managerial and/or confidential; and

**WHEREAS**, the Secretary to the Authority (the "Secretary") and the Chief Financial Officer (the "CFO") are proposing and recommending changes to the previously adopted wage schedule to become effective January 1, 2025; and

**WHEREAS**, the positions of Executive Engineer, Comptroller, Senior Distribution Engineer, Electrical Engineer, and Chief Instrument and Control Systems Specialist have received added and additional responsibilities and duties in recent months; and

**WHEREAS**, the Secretary and the CFO recommend a salary increase of 2.75% for all non-represented employees, as well as some salary grade changes for salaried positions; and

**WHEREAS**, these proposed changes are based on the salary line in the 2025 Operating and Maintenance Budget reviewed and adopted by the Board of Commissioners of the Authority (the "Board");

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

That the title of Executive Engineer be placed in the 2025 Wage Schedule for Non-Represented Positions as salary grade 37E; and be it further

**RESOLVED:** That the title of Comptroller be placed in the 2025 Wage Schedule for Non-Represented Positions as salary grade 34E; and be it further

**RESOLVED:** That the titles of Senior Distribution Engineer, Electrical Engineer, and Chief Instrument and Control Systems Specialist be placed in the 2025 Wage Schedule for Non-Represented Positions as salary grade 32E; and be it further

**RESOLVED:** That the Board of Commissioners approves and adopts the 2025 Wage Schedule for all Non-Represented Positions effective January 1, 2025 as proposed and recommended by the Secretary and the CFO.

Ayes:  
Noes:

12/19/24-alh

**ITEM 14 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S  
TARIFF**

Motion by                      seconded by

**WHEREAS**, the Act creating the Erie County Water Authority (the “Authority”) and the General Bond Resolutions establishing issuance of all Authority bonds mandate: that the Authority maintain rates and fees sufficient to operate and maintain the waterworks system; to pay the principal and interest on its Revenue Bonds as they become due and payable; and to maintain reserves for capital improvements as well as for all obligations and indebtedness of the Authority; and

**WHEREAS**, the Authority's Executive and Senior Staff have the responsibility to review, analyze and make recommendations relative to charges and procedures contained in the Authority's Tariff; and

**WHEREAS**, Terrence D. McCracken, Secretary to the Authority, Mark S. Carney, General Counsel, Joyce A. Tomaka, Chief Financial Officer and Charles E. Eaton, Chief Operating Officer have reviewed the above recommendations and changes and concur with them; and

**WHEREAS**, after considering all the above recommendations, the Authority has determined that for the best interest of the public to maintain its quality water supply that the Tariff should be amended as set forth in the attached Schedule "A";

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

That the Authority's Tariff, as previously amended, is hereby revised and amended in accordance with Schedule "A" attached hereto and made part hereof, to become effective at 12:01 a.m. January 1, 2025; and be it further

**RESOLVED:** That the Secretary to the Authority is hereby authorized and directed to file in the office of the Clerk of the County of Erie a duly certified copy of this resolution along with a copy of the revised pages to the Tariff and to publish a copy of these amendments authorizing the abovementioned changes in two newspapers having a general circulation in the County pursuant to Section 1054, Subdivision 10, of the Public Authorities Law; and be it further

**RESOLVED:** That the Secretary to the Authority, is further directed to forward a copy of this resolution along with a copy of the revised pages of the Tariff to the Town, Village or City Clerks of each of the towns, villages or cities receiving water from the Authority and that the Secretary to the Authority is further directed to furnish a duly certified copy of this resolution along with a copy of the revised pages of the Tariff to all Fiscal Agents named in the Authority's Bond Resolutions; and be it further

**RESOLVED:** The Board of Commissioners directs the Secretary of the Authority to post the amended Tariff on the Authority’s website.

Ayes:  
Noes:

12/19/24-alh

## SCHEDULE "A"

### AMENDMENTS TO THE ERIE COUNTY WATER AUTHORITY'S TARIFF TO BECOME EFFECTIVE AT 12:01 A.M. JANUARY 1, 2024

UNDERLINED PORTIONS INDICATE NEW MATERIAL  
PORTIONS IN BRACKETS [ ] INDICATE DELETIONS

#### 9.00 PAYMENT FOR WATER SERVICE AND ADJUSTMENTS

- 9.09** The customer is solely responsible for the water delivered beyond the Authority's meter, and the Authority is not responsible for maintenance and repair of the pipe and fixtures beyond the curb stop. In order to encourage prompt repair of leaking pipes or fixtures, the Authority may, under certain conditions, grant allowances for apparently excessive bills resulting from leaking beyond the meter. Granting of an allowance shall be in the sole discretion of the Authority. All risks of loss beyond the point of delivery shall be borne by the customer, except as provided herein.
- A. Allowance may be granted only when a claim has been received as provided in 9.08 above, and evidence clearly shows the apparently excessive bill is due to leaking of pipes or fixtures and not wasteful use and then only when repairs have been promptly made and reported to the Authority. The allowance, if granted, will be for not more than two billing periods including that in which the claim was made.
  - B. An allowance shall not exceed one-half of the excess delivery due to leakage over the normal usage for the period.
  - C. No allowance shall apply to customers taking water for resale.
  - D. The Authority shall be the sole judge in determining the amount of excess resulting from the leakage.
  - E. No more than one leak allowance will be granted for the same service for leakage occurring within any 36-month period, regardless of ownership or management.
  - F. [The Authority will not refund overbilled amounts beyond 180 days from the time that the invoice was placed in the mail to the customer.]
  - G. [The Authority shall not initiate the pursuit of payment underbilled amounts beyond 180 days from the date that the invoice was placed in the mail to the customer.]



**ITEM 15 - AUTHORIZATION TO AMEND POLICY NO. 11 CODE OF ETHICS & CONFLICTS OF INTEREST OF THE ERIE COUNTY WATER AUTHORITY'S EMPLOYEE POLICIES AND PROCEDURES MANUAL**

Motion by           seconded by

**WHEREAS**, on October 20, 2022, the Erie County Water Authority's (the "Authority") Board of Commissioners (the "Board") adopted a newly revised Employee Policies and Procedures Manual; and

**WHEREAS**, it is the policy of the Board to review, on a regular basis, policies and procedures relating to the Authority's operations; and

**WHEREAS**, on November 21, 2024, the Board approved the creation of three new Engineering positions: Director of Distribution (Water System), Director of Planning and Water Supply, and Director of Production (Water System); and

**WHEREAS**, upon review of Policy No. 11 Code of Ethics and Conflicts of Interest, the Legal Department recommends including the newly created positions in said policy under the listing of Designated Job Titles, Section 2(b);

**NOW THEREFORE BE IT RESOLVED:**

That the Board approves amending Policy No. 11 Code of Ethics and Conflicts of Interest of the Employee Policies and Procedures Manual to include the positions Director of Distribution (Water System), Director of Planning and Water Supply, and Director of Production (Water System) under the listing of Designated Job Titles, Section 2(b); and be it further

**RESOLVED:** That the Secretary is hereby directed to incorporate the amended Policy No. 11 Code of Ethics and Conflicts of Interest into the Authority's Employee Policies and Procedures Manual.

Ayes:

Noes:

12/19/24-alh

**ITEM 16 - AUTHORIZATION TO AMEND POLICY NO. 28 INCLEMENT WEATHER OF THE ERIE COUNTY WATER AUTHORITY'S EMPLOYEE POLICIES AND PROCEDURES MANUAL**

Motion by           seconded by

**WHEREAS**, on October 20, 2022, the Erie County Water Authority's (the "Authority") Board of Commissioners (the "Board") adopted a newly revised Employee Policies and Procedures Manual; and

**WHEREAS**, it is the policy of the Board to review, on a regular basis, policies and procedures relating to the Authority's operations; and

**WHEREAS**, upon review of Policy No. 28, Inclement Weather, Jennifer Hibit, Director of Human Resources, recommends updating the policy to establish and clarify guidelines concerning the designation of inclement weather days;

**NOW THEREFORE BE IT RESOLVED:**

The Board approves amending Policy No. 28, Inclement Weather, of the Employee Policies and Procedures Manual to establish and clarify guidelines concerning the designation of inclement weather days; and be it further

**RESOLVED:** That the Secretary is hereby directed to incorporate the amended Policy No. 28, Inclement Weather, into the Authority's Employee Policies and Procedures Manual.

Ayes:

Noes:

12/19/24-alh

**ITEM 17 - AUTHORIZATION TO GRANT A COURTESY REVERSAL OF DELINQUENT CHARGES FOR ERIE COMMUNITY COLLEGE - \$1,480.63**

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**, Joyce A. Tomaka, Chief Financial Officer, and Jessica R. Brown, Comptroller, advised the Authority that they have received a request to waive the delinquent charges for Erie Community College in the amount of \$1,480.63; and

**WHEREAS**, said request qualifies under the terms of the Authority's Tariff; and

**WHEREAS**, Joyce A. Tomaka, Chief Financial Officer, and Jessica R. Brown, Comptroller, recommend granting the above request;

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

That the Authority's Board of Commissioners grants the courtesy delinquent charge reversal request to Erie Community College in the amount of \$1,480.63; and be it further

**RESOLVED:** That the Comptroller is hereby authorized and directed to adjust the account of Rosina Food Products, Inc.

Ayes:

Noes:

12/19/24-alh

**ITEM 18 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH P&A ADMINISTRATIVE SERVICES, INC. TO PROVIDE THE ADMINISTRATION OF EMPLOYEE ACCOUNTS UNDER INTERNAL REVENUE CODE SECTION 105 (h), SECTION 125 AND SECTION 132 (f)**

Motion by                      seconded by

**WHEREAS**, on August 16, 2024, the Erie County Water Authority (“Authority”) issued a Request for Proposals (“RFP”) to qualified firms to provide an administration of employee accounts under Internal Revenue Code Section 105 (h), Section 125 and Section 132 (f); and

**WHEREAS**, a copy of the RFP was sent to, and responses were received from:

Bene-Care Agency LLC  
P&A Administrative Services, Inc.  
Lifetime Benefit Solutions; and

**WHEREAS**, the RFP was also posted on the Authority’s website which resulted in additional responses from Nova Healthcare and Flexible Benefits Administrators; 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 responses to the RFP, the Authority deems it advisable to have P&A Administrative Services, Inc. provide the administration of employee accounts under Internal Revenue Code Section 105 (h), Section 125 and Section 132 (f); and

**WHEREAS**, Jennifer Hibit, Director of Human Resources recommends acceptance of said proposal by the Authority; and

**WHEREAS**, the Authority’s 2025 O&M Budget includes funds for this project under Unit 8010 Human Resources, Item No. 20 Miscellaneous;

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

That the Authority accepts the proposal of P&A Administrative Services, Inc. to provide the administration of employee accounts under Internal Revenue Code Section 105 (h), Section 125 and Section 132 (f); under the terms and conditions set forth in said proposal; and be it further

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

Ayes:  
Noes:

12/19/24-alh