

ITEM 1 - AUTHORIZATION TO ENTER INTO A SERVICE AGREEMENT WITH TIME WARNER CABLE NORTHEAST, LLC D/B/A SPECTRUM TO PROVIDE AND INSTALL AN ETHERNET PRIVATE LINE SERVICE (FIBER POINT-TO-POINT) AT VARIOUS ERIE COUNTY WATER AUTHORITY LOCATIONS, PROJECT NO. 201800158

Motion by _____ seconded by _____

WHEREAS, the Erie County Water Authority (the “Authority”) has a need for increased security at remote locations within the Authority; and

WHEREAS, for security cameras to be installed, additional internet connectivity will need to be installed at certain remote locations; and

WHEREAS, the Authority proposes to install increased security to three (3) to four (4) remote locations per year; and

WHEREAS, the bandwidth requirements for the remote locations will be the same as other locations with similar requirements under the current agreement (\$1,150.00 MRC per site - \$575.00 for each end of the connection) bringing the total MRC on the new contract to \$3,450.00; and

WHEREAS, Time Warner Cable Northeast, LLC d/b/a Spectrum (“Spectrum”) has advised that if the new service contract is signed for a 3-year duration, the one-time construction costs will be waived in full; and

WHEREAS, the pricing for the new services is governed by and subject to the terms and conditions of the New York State Office of General Services Telecommunications Connectivity Services Contract No. PS68706; and

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

WHEREAS, the Authority’s 2025 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 approve 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:

01/24/25-alh

ITEM 2 - AUTHORIZATION TO EXECUTE LICENSE AGREEMENT WITH NIAGARA MOHAWK POWER CORPORATION RELATING TO TRANSMISSION MAINS, CITY OF LACKAWANNA AND TOWN OF WEST SENECA, IDENTIFIED AS CONTRACT NO. NC-041, PROJECT NO. 202000072

Motion by _____ and seconded by _____

WHEREAS, the Erie County Water Authority (the “Authority”) is undertaking the replacement of approximately 6,300 linear feet of transmission main in the City of Lackawanna and the Town of West Seneca (the “Project”), identified as Contract No. NC-041; and

WHEREAS, the Project in part includes the replacement of an existing transmission main in the Town of West Seneca on property owned by Niagara Mohawk Power Corporation that does not appear to be covered by an existing easement; and

WHEREAS, in order to construct the improvements as well as to operate and maintain the main following the completion of the Project, Niagara Mohawk Power Corporation has proposed a License Agreement; and

WHEREAS, the Authority’s Legal and Engineering departments have reviewed the terms of the License Agreement with the assistance of the Authority’s consultant, Nussbaumer & Clarke, Inc., and recommend the execution of the License Agreement; and

WHEREAS, there is no cost associated with the License Agreement;

NOW, THEREFORE, BE IT RESOLVED:

That the Board approves executing a License Agreement with Niagara Mohawk Power Corporation to allow the Authority to construct the transmission main improvements as well as to operate and maintain the main following the completion of the Project; and be it further

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

Ayes:

Noes:

01/24/25-alh

ITEM 3 - RESOLUTION AUTHORIZING THE COMMENCEMENT OF EMINENT DOMAIN PROCEEDINGS TO ACQUIRE A PERMANENT EASEMENT REQUIRED FOR CONSTRUCTION OF 48-INCH TRANSMISSION MAIN IN THE TOWN OF TONAWANDA, PROJECT NO. 201900104

Motion by _____ seconded by _____

WHEREAS, the Erie County Water Authority (the "Authority") entered into a professional services contract for engineering and consulting services with Nussbaumer & Clarke, Inc. ("Consultant") relating to the design and construction of approximately 5,000 linear feet of new water transmission main from Van de Water Raw Water Pump Station to the Van de Water Water Treatment Plant, identified as Contract No. NC-040 (the "Project"); and

WHEREAS, the Authority, in consultation with the Consultant, undertook a review of the Project pursuant to Article 8 of the New York Environmental Conservation Law and 6 NYCRR Part 617 adopted pursuant thereto by the New York State Department of Environmental Conservation (collectively referred to as "SEQRA"), and prepared a Short Environmental Assessment Form (the "SEAF") for the Project, and thereafter determined by resolution adopted on September 19, 2019 that said Project would not result in any potential significant adverse environmental impact (the "Original Negative Declaration"); and

WHEREAS, in order to construct the improvements necessary for the Project, the Authority has attempted to acquire easements for water mains over or under certain properties; and

WHEREAS, negotiations for an easement with the landowner of the real property located at 3690 River Road, Town of Tonawanda, County of Erie, State of New York, having tax map number 64.12-1-20.1 (the "Property"), , have been unsuccessful, despite numerous and prolonged attempts over several years:

<u>Name(s) of Property Owner</u>	<u>Address of Property</u>	<u>Tax Map Number</u>
"Jas M Bognar" (Assessor's Records)	3690 River Road Tonawanda (Town) New York 14150	64.12-1-20.1; and
"James M. Bognar and Kerin J. Bognar, his wife" (Owners of Record)		

WHEREAS, records on file with the Surrogate's Court, Erie County, establish that the above-named owner of the Property, James M. Bognar, is deceased, and was legally married to Kerin J. Bognar at the time of his death, and thus any interest held by Mr. Bognar in the Property passed by operation of law to his wife, Kerin J. Bogar, as tenant by the entirety, upon his death; and

WHEREAS, the Property is approximately 15' x 102', or approximately .04± acres, is unimproved, and is used by the owner(s) of the neighboring parcel at 3670 River Road to store equipment related to the operations of a marina situated on that neighboring parcel, which equipment is in no way affixed to the Property and is thus readily movable; and

WHEREAS, the easement rights required are a perpetual, non-exclusive right-of-way and permanent easement, to construct, lay, re-lay, install, operate, maintain, repair, replace, reconstruct, change the size of or remove or replace, at the Authority's sole cost and expense, a water main or mains both supply and distribution, and all appurtenances, all below grade, (collectively, the "Facilities") in, across, through and under the Property (the "Proposed Easement"), which Proposed Easement shall be approximately sixty-seven feet (67') wide; and

WHEREAS, there is an existing 48" water transmission main that runs beneath the entire length of Property that was installed by the Authority in or about 1976, and by virtue of the existing water main, the Authority possesses an easement by prescription that already authorizes the Authority's reasonable access in, across, under and through the Property in order to maintain, repair, replace, reconstruct, change the size of or remove or replace said water main; and

WHEREAS, installation of the new water transmission main as part of the Project will not require material disturbance to the surface of the Property; and

WHEREAS, due to the topography of the area and the location of the above Property, there are no other possible alternative locations for the proposed improvements, other than under said Property; and

WHEREAS, pursuant to its enabling statute, New York Public Authorities Law § 1054(5), the Authority possesses the power of eminent domain, and may condemn, in the name of the Authority, any easement situated in the County of Erie, and shall exercise such power of condemnation in the manner provided in the condemnation law, or the New York Eminent Domain and Proceedings Law ("EDPL"); and

WHEREAS, the Authority desires to exercise its eminent domain powers pursuant to Public Authorities Law § 1054(5) and Eminent Domain Proceedings Law ("EDPL") § 402(b) in order to acquire the necessary Proposed Easement (the "Proposed Acquisition"); and

WHEREAS, in anticipation of exercising its eminent domain powers, the Authority, in consultation with the Consultant and Harris Beach Murtha Cullina PLLC, ("Harris Beach") undertook a review of the Proposed Acquisition of the Proposed Easement pursuant to SEQRA, and determined by resolution of the same date herein that the Proposed Acquisition is an Unlisted Action, as defined under 6 NYCRR §617.2(a1), and upon completion, review and consideration of a complete SEAF for the Proposed Acquisition and after due deliberation thereon, further determined: (i) that the Proposed Acquisition would not result in any new physical alteration of land that the Authority did not previously review in support of the Original Negative Declaration, and that, had the Proposed Acquisition been originally included and considered as part of the Project, such inclusion would not have substantively modified the Original Negative Declaration; and (ii) that the Proposed Acquisition will not result in any significant adverse environmental impact, and that the Proposed Acquisition may proceed without requiring the preparation of an environmental impact statement; and

WHEREAS, pursuant to EDPL § 206(D), the Authority shall be exempt for the provisions of Article 2 of the EDPL, including the requirement of a public hearing pursuant to EDPL § 201 and the issuance and publication of determination and findings pursuant to EDPL § 204, where "when in the opinion of the condemnor the acquisition is de minimis in nature so that the public interest will not be prejudiced by the construction of the project or because of an emergency situation the public interest will be endangered by any delay caused by the public hearing requirement in this article [2]"; and

WHEREAS, recognizing the need for certain legal expertise with respect to exercise of the Authority's power of eminent domain, the Authority requested input on the EDPL process from Harris Beach; and

WHEREAS, in accordance with the EDPL, Harris Beach and Authority staff have reviewed all relevant circumstances regarding the required Proposed Easement and determined that the Proposed Easement is de minimis in nature for purposes of the exemption contained in EDPL § 206(D); and

WHEREAS, the Legal and Engineering departments concur with said determination;

NOW, THEREFORE, BE IT RESOLVED:

That the Board of Commissioners of the Authority ("Board") does hereby adopt the opinion of Authority staff that the acquisition of the required Proposed Easement is necessary to further the Project and that such acquisition is de minimis within the meaning of EDPL § 206(D); and be it further

RESOLVED: The Board hereby declares its intent to exercise the power of eminent domain afforded the Authority under Public Authorities Law § 1054(5) and EDPL § 402(b) for the purpose of acquiring the needed Proposed Easement for construction of the Project and authorizes Harris Beach to commence an appropriate proceeding against the above property owner for that purpose ("Eminent Domain Proceeding"), and further authorizes the Chair, in consultation with Harris Beach to take any prerequisite or advisable actions or steps under the EDPL or the State Environmental Quality Review Act, or take any other action in furtherance of the Eminent Domain Proceeding, prior to, during, and subsequent to the commencement of said proceeding.

Ayes:

Noes:

01/24/25-HARRIS BEACH:alh

ITEM 4 - NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) DETERMINATION RELATIVE TO THE ACQUISITION OF A PERMANENT EASEMENT REQUIRED FOR CONSTRUCTION OF 48-INCH TRANSMISSION MAIN IN THE TOWN OF TONAWANDA, PROJECT NO. 201900104

Motion by _____ seconded by _____

WHEREAS, the Erie County Water Authority (the "Authority") entered into a professional services contract for engineering and consulting services with Nussbaumer & Clarke, Inc. ("Consultant") relating to the design and construction of approximately 5,000 linear feet of new water transmission main from Van de Water Raw Water Pump Station to the Van de Water Water Treatment Plant, identified as NC-040 (the "Project"); and

WHEREAS, the Authority, in consultation with the Consultant, undertook a review of the Project pursuant to Article 8 of the New York Environmental Conservation Law and 6 NYCRR Part 617 adopted pursuant thereto by the New York State Department of Environmental Conservation (collectively referred to as "SEQRA"), and prepared a Short Environmental Assessment Form ("SEAF") to for the Project, and thereafter determined by resolution adopted on September 19, 2019 that said Project would not result in any potential significant adverse environmental impact (the "Original Negative Declaration"); and

WHEREAS, it was understood at that time that the Authority had all the proper easements in place to accommodate both the existing and proposed main to be constructed as part of the Project, but it was later determined that the Authority would need to acquire a certain easement from impacted landowner(s); and

WHEREAS, all impacted property owners voluntarily conveyed the required easements except the landowner of the real property located at 3690 River Road, Town of Tonawanda, County of Erie, State of New York, having tax map number 64.12-1-20.1 (the "Property"):

<u>Name(s) of Property Owner</u>	<u>Address of Property</u>	<u>Tax Map Number</u>
"Jas M Bognar" (Assessor's Records)	3690 River Road Tonawanda (Town) New York 14150	64.12-1-20.1
" James M. Bognar and Kerin J. Bognar, his wife" (Owners of Record)		

WHEREAS, the Property is approximately 15' x 102', or approximately .04± acres, is unimproved, and is used by the owner(s) of the neighboring parcel at 3670 River Road to store equipment related to the operations of a marina situated on that neighboring parcel, which equipment is in no way affixed to the Property and is thus readily movable; and

WHEREAS, a permanent easement, approximately sixty-seven feet (67') wide, in, across, through and under the Property (the "Easement"), is necessary for the construction of the Project; and

WHEREAS, the Authority desires to exercise its eminent domain powers pursuant to Public Authorities Law § 1054(5) and Eminent Domain Proceedings Law ("EDPL") § 402(b) in order to acquire the necessary Easement ("Proposed Acquisition "); and

WHEREAS, in anticipation of exercising its eminent domain powers, the Engineering Department, in consultation with the Consultant and Harris Beach Murtha Cullina PLLC ("Harris Beach"), undertook a review of the Proposed Acquisition pursuant to SEQRA; and

WHEREAS, the action constituting the Proposed Acquisition is neither identified on the Type I list under 6 NYCRR §617.4 nor the Type II list under 6 NYCRR §617.5 and, therefore, is an Unlisted Action, as defined under 6 NYCRR §617.2(al); and

WHEREAS, the Engineering Department, in consultation with the Consultant and Harris Beach, has completed Parts 1 and 2 of an SEAF for the Proposed Acquisition, and determined that the Proposed Acquisition would not result in any new physical alteration of land that the Authority did not previously review in support of the Original Negative Declaration, and that, had the Proposed Acquisition been originally included and considered as part of the Project, such inclusion would not have substantively modified the Original Negative Declaration; and

WHEREAS, upon the review and consideration of the complete SEAF for the Proposed Acquisition and after due deliberation thereon, including in consideration of the regulatory criteria for determining significance for purposes of SEQRA as set forth under 6 NYCRR §617.7(c), the Engineering Department has determined that the Proposed Acquisition will not result in any significant adverse environmental impact, and that therefore a determination of non-significance for the Proposed Acquisition, commonly referred to as a "Negative Declaration," should be issued in compliance with and satisfaction of the requirements of SEQRA, and that the Proposed Acquisition proceed without requiring the preparation of an environmental impact statement; and

WHEREAS, the Legal Department concurs with said determinations and recommendations; and

WHEREAS, Leonard F. Kowalski, Executive Engineer, will be the Project sponsor;

NOW, THEREFORE, BE IT RESOLVED:

That the Board of Commissioners of the Authority ("Board") hereby finds and determines that the Proposed Acquisition is an Unlisted Action, as defined under 6 NYCRR §617.2(al), in that the Proposed Acquisition is neither identified on the Type I list under 6 NYCRR §617.4 nor the Type II list under 6 NYCRR §617.5; and be it further

RESOLVED: That upon review and consideration of Part 1 of the SEAF for the Proposed Acquisition and after due deliberation thereon and upon completing Part 2 of the SEAF for the Proposed Acquisition, the Board hereby finds and determines that the Proposed Acquisition would not result in any new physical alteration of land that the Authority did not previously review in support of the Original Negative Declaration, and that, had the Proposed Acquisition been originally included and considered as part of the Project, such inclusion would not have substantively modified the Original Negative Declaration; and be it further

RESOLVED: That based upon the review and consideration of the complete SEAF for the Proposed Acquisition and after due deliberation thereon, including in consideration of the regulatory criteria for determining significance for purposes of SEQRA as set forth under 6 NYCRR §617.7(c), the Board hereby finds and determines that the Proposed Acquisition will not result in any significant adverse environmental impact, and therefore the Board hereby issues a determination of non-significance for the Proposed Acquisition, in compliance with and satisfaction of the requirements of SEQRA, and that the Authority will proceed with the Proposed Acquisition without requiring the preparation of an environmental impact statement; and be it further

RESOLVED: That Leonard F. Kowalski, Executive Engineer is authorized to execute the SEAF on behalf of the Authority.

Ayes:

Noes:

01/24/25-HARRIS BEACH:alh

ITEM 5 - AWARD OF CONTRACT TO KANDEY COMPANY, INC. FOR LARGE SERVICES CONTRACT, FEBRUARY 1, 2025 THROUGH JANUARY 31, 2027, PROJECT NO. 202500003 - \$2,748,015.00

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 19th day of November 2024, a notice inviting sealed bids in accordance with Public Authorities Law §1069 for Large Services Contract, February 1, 2025 through January 31, 2027; and

WHEREAS, Authority personnel opened a sealed bid in the office of the Authority on the 17th day of December 2024, and was as follows:

BIDDER	AMOUNT
Kandey Company, Inc.*	\$2,748,015.00

*Only bid received; and

WHEREAS, Michael J. Quinn, Sr. Distribution Engineer and Leonard F. Kowalski, Executive Engineer have reviewed the specifications and bid and determined that Kandey Company, Inc. is a responsible bidder qualified to perform the project and have recommended that the contract be awarded to that firm for the abovementioned project; and

WHEREAS, large service installations are paid for by the applicant, all charges are aggregated under an OWIP and invoiced to the applicant; and

WHEREAS, the charges are aggregated under an EC and charged to the appropriate budget item for miscellaneous work on Authority assets;

NOW, THEREFORE, BE IT RESOLVED:

That it is hereby determined that Kandey Company, Inc. is a responsible bidder for the abovementioned project, and be it further

RESOLVED: That the Chair is authorized to execute a contract with Kandey Company Inc. for Large Services Contract, February 1, 2025 through January 31, 2027 as a unit price contract for the estimated total amount of \$ 2,748,015.00.

Ayes:
Noes:

01/24/25-alh

ITEM 6 - AWARD OF CONTRACT TO RUSSO DEVELOPMENT, INC. FOR SMALL SERVICES CONTRACT AREA NO. 1, FEBRUARY 1, 2025 THROUGH JANUARY 31, 2027, PROJECT NO. 202500001 - \$3,201,500.00

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 19th day of November 2024, a notice inviting sealed bids in accordance with Public Authorities Law §1069 for Small Services Contract Area No. 1, February 1, 2025 through January 31, 2027; and

WHEREAS, Authority personnel opened sealed bids in the office of the Authority on the 17th day of December 2024, and were as follows:

BIDDER	AMOUNT
Russo Development, Inc.	\$ 3,201,500.00
Nova Site Company, LLC	3,666,400.00; and

WHEREAS, Michael J. Quinn, Sr. Distribution Engineer and Leonard F. Kowalski, Executive Engineer have reviewed the specifications and bids and determined that Russo Development, Inc. is the lowest responsible bidder qualified to perform the project and have recommended that the 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 2525 New Services, Item No. 15 Payments to Contractors - Repair;

NOW, THEREFORE, BE IT RESOLVED:

That it is hereby determined that Russo Development, Inc. is the lowest responsible bidder for the abovementioned project, and be it further

RESOLVED: That the Chair is authorized to execute a contract with Russo Development, Inc. for Small Services Contract Area No. 1, February 1, 2025 through January 31, 2027 as a unit price contract for the estimated total amount of \$3,201,500.00; 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:

01/24/25-alh

ITEM 7 - AWARD OF CONTRACT TO RUSSO DEVELOPMENT, INC. FOR SMALL SERVICES CONTRACT AREA NO. 2, FEBRUARY 1, 2025 THROUGH JANUARY 31, 2027, PROJECT NO. 202500002 - \$2,776,500.00

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 19th day of November 2024, a notice inviting sealed bids in accordance with Public Authorities Law §1069 for Small Services Contract Area No. 2, February 1, 2025 through January 31, 2027; and

WHEREAS, Authority personnel opened the sealed bids in the office of the Authority on the 17th day of December 2024, and were as follows:

BIDDER	AMOUNT
Russo Development, Inc.	\$ 2,776,500.00
Nova Site Company, LLC	3,167,750.00; and

WHEREAS, Michael J. Quinn, Senior Distribution Engineer and Leonard F. Kowalski, Executive Engineer have reviewed the specifications and bids and determined that Russo Development, Inc. is the lowest responsible bidder qualified to perform the project and have recommended that the 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 2525 New Services, Item No. 15 Payments to Contractors - Repair;

NOW, THEREFORE, BE IT RESOLVED:

That it is hereby determined that Russo Development, Inc. is the lowest responsible bidder for the abovementioned project, and be it further

RESOLVED: That the Chair is authorized to execute a contract with Russo Development, Inc. for Small Services Contract Area No. 2, February 1, 2025 through January 31, 2027 as a unit price contract for the estimated total amount of \$2,776,500.00; 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:

01/24/25-alh

ITEM 8 - AWARD OF CONTRACTS FOR WATERMAIN MATERIALS PURCHASE CONTRACT, MARCH 1, 2025 THROUGH FEBRUARY 28, 2026, PROJECT NO. 202500004

Motion by _____ seconded by _____

WHEREAS, the Erie County Water Authority ("Authority") advertised in the Construction Exchange and the New York State Contract Reporter on the 21st day of November 2024 a notice inviting sealed bids or proposals in accordance with Public Authorities Law §1069 for Watermain Materials Purchase Contract, March 1, 2025 through February 28, 2026; and

WHEREAS, Leonard F. Kowalski, Executive Engineer advised that this particular contract is awarded by line item; and

WHEREAS, sealed bids or proposals were opened in the office of the Authority on the 17th day of December 2024; and

WHEREAS, said bids were reviewed by Authority staff and the items listed on the attached Schedules "A" through "D" are recommended for award to the respective bidders in the total amounts set forth below:

BIDDERS	AMOUNT	
Ferguson Enterprises, LLC dba Ferguson Waterworks	\$ 80,247.67	Schedule "A"
K&S Contractors Supply, Inc	873,376.54	Schedule "B"
Everett J. Prescott, Inc.	950,765.69	Schedule "C"
Core & Main, LP	2,536,155.82	Schedule "D"; and

WHEREAS, it has been determined that the above contractors are considered responsible bidders and provided an acceptable lead time and competitive cost on their respective items and Michael J. Quinn, Sr. Distribution Engineer and Leonard F. Kowalski, Executive Engineer recommend that contracts be awarded to the above contractors in the amounts set forth in Schedules "A" through "D" for the Watermain Materials Purchase Contract; and

WHEREAS, the Authority's 2025 O&M Budget includes funds under various units, Item No. 10 Materials and Supplies;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority accept the bids of Ferguson Enterprises, LLC d/b/a Ferguson Waterworks in the amount of \$80,247.67, K&S Contractors Supply, Inc. in the amount of \$873,376.54, Everett J. Prescott, Inc. in the amount of \$950,765.69, and Core & Main, LP in the amount of \$2,536,155.82; and be it further

RESOLVED: That the Chair is authorized and directed to execute contracts with each of the above contractors for the Watermain Materials Purchase Contract as unit price contracts for the estimated amounts set forth above; 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:

01/24/25-alh

ITEM 9 - AWARD OF CONTRACT TO MILHERST CONSTRUCTION INC. FOR WATER SYSTEM IMPROVEMENTS, TOWN OF CLARENCE, IDENTIFIED AS CONTRACT NO. WSA-018, PROJECT NO. 202200025 - \$4,579,725.00

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 12th day of November 2024, a notice inviting sealed bids in accordance with Public Authorities Law §1069 for Water System Improvements, Town of Clarence, identified as Contract No. WSA-018; and

WHEREAS, Authority personnel opened sealed bids in the office of the Authority on the 17th day of December 2024, and were as follows:

BIDDERS	AMOUNT
Milherst Construction, Inc.	\$ 4,579,725.00
E&R General Construction, Inc.	4,668,150.00*
716 Site Contracting, Inc.	4,867,350.00
New Frontier Excavating & Paving, Inc.	5,427,750.07*
Kandey Company, Inc.	5,710,406.60

* Corrected Bid Amounts; and

WHEREAS, Michael J. Quinn, Sr. Production Engineer, and Leonard F. Kowalski, Executive Engineer, have reviewed the specifications and bids and determined that Milherst Construction, 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 Capital Budget includes funds for this project under Unit 2590 Eng/Const Distribution Mains, Item No. 101672 WSA-018 Distribution System Upgrade;

NOW, THEREFORE, BE IT RESOLVED:

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

RESOLVED: That, pending final approval of the Apprenticeship Program requirements by the Coordinator of Employee Relations, the Chair is authorized to execute a contract with Milherst Construction, Inc. for Water System Improvements, Town of Clarence, as a unit price contract for the estimated total amount of \$4,579,725.00; and be it further

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

Ayes:

Noes:

ITEM 10 - APPROVAL OF CHANGE ORDER NO. 3 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 - \$33,358.28

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 and Ready for Final Payment dates; and

WHEREAS, on December 19, 2024, the Board approved Change Order No. 2 in the sum of \$56,385.85 to increase Bid Item No. 1 General Construction 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, the Contractor submitted Change Order No. 3 in the sum of \$33,358.28 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 escalation in labor costs for the hours worked in 2024 caused by a delay in starting construction, which was outside of the Contractor's control; and

WHEREAS, Michael J. Quinn, Senior Distribution Engineer and Leonard F. Kowalski, Executive Engineer recommend approval of said Change Order No. 3; and

WHEREAS, the Authority's 2025 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. 3 of DN Tanks of New York, LLC. in the amount of \$33,358.28 to provide for the abovementioned change be approved; and be it further

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

Ayes:
Noes:

01/24/25-alh

ITEM 11 - APPROVAL OF AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES CONTRACT WITH ARCADIS OF NEW YORK, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES RELATING TO EPA LEAD AND COPPER RULE REVISIONS PROGRAM MANAGEMENT, IDENTIFIED AS CONTRACT NO. MP-091, PROJECT NO. 202200135 - \$738,400.00

Motion by seconded by

WHEREAS, on June 16, 2022, the Erie County Water Authority’s (the “Authority”) Board of Commissioners (the “Board”) awarded Arcadis of New York, Inc. (the “Engineer”) a professional service contract to provide consulting engineering services relating to EPA Lead and Copper Rule Revisions (“LCRR”) Program Management (the “Contract”), identified as Contract No. MP-091; and

WHEREAS, on August 15, 2024, the Authority and the Engineer entered into Amendment No. 1 to the Contract which increased the Engineer’s fee by \$60,000.00 to complete contractor replacement of curb boxes at additional locations to refine the Authority’s predictive model for lead services; and

WHEREAS, the scope of services of the existing Contract was intended to cover consulting services through the end of calendar year 2024; and

WHEREAS, the Authority wishes to continue these services through 2025 to take advantage of the Consultant’s experience and background knowledge; and

WHEREAS, the Engineer has requested an additional fees as follows to continue program management of the Authority’s implementation of the LCRR through calendar year 2025: \$93,300.00 for Task 2, LCRR Workplan; \$185,600.00 for Task 3, Lead Service Line Inventory; \$75,400.00 for Task 7, Lead Service Line Replacement; \$78,100.00 for Task 8, Sampling and Monitoring Program; \$110,800.00 for Task 9, Public Education, Notification and Outreach; and \$195,200.00 for Special Services; and

WHEREAS, the Authority’s Chief Operating Officer and Executive Engineer recommend that the Authority amend the Contract by increasing the lump sum payments for Tasks 2, 3, 7, 8, and 9 by a total of \$543,200.00 and the not to exceed value for Special Services by \$195,200.00, as well as by increasing the service timeframe to cover through year end 2025; 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 Authority’s 2025 Capital Budget includes funds for this project under Unit 1030 Water Quality Assurance, Item No. 101664 Corrosion Control Program Management;

NOW, THEREFORE, BE IT RESOLVED:

That the Board approves amending the Professional Services Contract with Arcadis of New York, Inc. by increasing the lump sum payments for Tasks 2, 3, 7, 8, and 9 by a total of \$543,200.00 and the not to exceed value for Special Services by \$195,200.00, as well as by increasing the service timeframe to cover through year end 2025; and be it further

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

Ayes:

Noes:

01/24/25-alh

ITEM 12 - RATIFICATION OF THE INSTALLATION OF HYDRANTS AND VALVES AND RETIREMENT OF EXISTING HYDRANTS AND VALVES - VARIOUS LOCATIONS

Motion by seconded by

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

Replaced existing 6' hydrant at 44 Luksin Drive, City of Tonawanda with a new 6' Kennedy K81 hydrant on 11/01/2024. Work done by ECWA forces under Work Authorization No. 107.200 7469.

Hydrant originally installed prior to 08/18/2004 was scrapped and retired under Retirement Authorization No. R240051.

Replaced existing 6' hydrant at 3417 Clinton Street, Town of West Seneca with a new 6' Kennedy K81 hydrant on 11/07/2024. Work done by ECWA forces under Work Authorization No. 107.200 7467.

Hydrant originally installed on 08/25/1987 was scrapped and retired under Retirement Authorization No. R240049.

Replaced existing 5' hydrant at 8965 The Fairways, Town of Clarence with a new 5' Kennedy K81 hydrant on 11/13/2024. Work done by ECWA forces under Work Authorization No. 107.200 7470.

Hydrant originally installed prior to 10/01/1999 was scrapped and retired under Retirement Authorization No. R240052.

Replaced existing 5' hydrant at 8175 East Eden Road, Town of Eden with a new 5' Kennedy K81 hydrant on 11/19/2024. Work done by ECWA forces under Work Authorization No. 107.200 7468.

Hydrant originally installed prior to 01/06/2020 was scrapped and retired under Retirement Authorization No. R240050.

Replaced existing 6" valve at 206 East Niagara Street, City of Tonawanda with a new 6" resilient seat valve on 12/24/2024. Work done by ECWA forces under Work Authorization No. 107.200 7472.

Valve originally installed prior to 08/18/2004 was scrapped and retired under Retirement Authorization No. R250001; and

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

NOW, THEREFORE, BE IT RESOLVED:

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

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

Ayes:

Noes:

01/24/25-alh

ITEM 13 - CREATION OF FOUR POSITIONS OF ACCOUNT CLERK

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; and

WHEREAS, on January 10, 2025, the Erie County Department of Personnel reviewed and approved the creation of four (4) positions of Account Clerk;

NOW, THEREFORE, BE IT RESOLVED:

That the Erie County Water Authority does hereby create four (4) positions of Account Clerk, Salary Grade 5 at a starting salary of \$52,139.36 of the Authority’s Career and Salary Plan, effective January 24, 2025.

Ayes:

Noes:

01/24/25-alh

**ITEM 14 - APPRECIATION AND RECOGNITION OF ERIE COUNTY WATER AUTHORITY
EMPLOYEES FOR THEIR OUTSTANDING SERVICE**

Motion by Seconded by

WHEREAS, the mission of the Erie County Water Authority (the “Authority”) is to provide all of its customers a plentiful supply of safe, high quality and affordable drinking water through reliable infrastructure (the “Mission”); and

WHEREAS, the Authority would not be able to complete its Mission without the dedication and commitment of the Authority employees; and

WHEREAS, throughout the sweltering summers, frigid winters, and all conditions in between, the Authority employees report to work and perform their respective job duties; and

WHEREAS, the Authority is able to provide a plentiful supply of safe, high quality and affordable drinking water through reliable infrastructure to all of its customers due to the efforts of the Authority employees; and

WHEREAS, the Board of Commissioners of the Authority would like to acknowledge and recognize the Authority employees for their outstanding service;

NOW, THEREFORE, BE IT RESOLVED:

That in grateful appreciation to and in acknowledgment of the Authority employees for their dedication and commitment to the Authority’s Mission, the foregoing Preamble and Resolution be entered upon the Minutes of the Meeting of January 24, 2025.

Ayes:

Noes:

01/24/25-alh

ITEM 15 - AUTHORIZATION TO GRANT A COURTESY REVERSAL OF DELINQUENT CHARGES FOR THE CITY OF LACKAWANNA - \$11,209.65

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 the City of Lackawanna in the amount of \$11,209.65; 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 the City of Lackawanna in the amount of \$11,209.65; and be it further

RESOLVED: That the Comptroller is hereby authorized and directed to adjust the account of the City of Lackawanna.

Ayes:
Noes:

01/24/25-alh

ITEM 16 - APPROVAL OF AMENDMENT NO. 1 TO THE CONTRACT WITH ADVANCED ANALYTICAL SOLUTIONS, LLC. FOR THE FURNISHING AND DELIVERING OF CHEMISTRY AND MICROBIOLOGY PROFICIENCY SAMPLES AND CHEMISTRY STANDARDS, PROJECT NO. 202400005, CONTRACT NO. 24-02-02

Motion by seconded by

WHEREAS, on February 22, 2024, the Erie County Water Authority’s (the “Authority”) Board of Commissioners (the “Board”) awarded Advanced Analytical Solutions, LLC. (the “Supplier”) a contract for the furnishing and delivering of Chemistry and Microbiology Proficiency Samples and Chemistry Standards for a one-year term beginning February 22, 2024 (the “Contract”); and

WHEREAS, the Contract provides for various chemistry and microbiology proficiency samples and chemistry standards to be delivered to the Authority, as ordered, from February 22, 2024 through February 21, 2025; and

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

WHEREAS, in accordance with Article 5, Paragraph 5.02 of the Contract, any modification or variation from the terms of the Contract must be in writing, authorized by a resolution of the Board and signed by all parties; and

WHEREAS, the Supplier has agreed to extend the term of the Contract until February 21, 2026, based on the same terms and conditions, including pricing as set forth in Article 4, Paragraph 4.01 of the Contract; and

WHEREAS, the parties have agreed to pricing for individual components of the Mineral Set due to failure; and

WHEREAS, the Authority’s O&M Budget includes funds for this project under Unit 1010 Sturgeon Point Plant, Item No. 10 Materials and Supplies; Unit 1015 Van de Water Plant, Item No. 10 Material and Supplies and Unit 1030 Water Quality Assurance, Item No. 10 Material and Supplies;

NOW, THEREFORE, BE IT RESOLVED:

That Board approves amending the Contract with Advanced Analytical Solutions, LLC. to extend the term of the Contract until February 21, 2026, based on the same terms and conditions, including pricing as set forth in Article 4, Paragraph 4.01 of the Contract; and be it further

RESOLVED: That the parties have agreed to pricing for individual components of the Mineral Set due to failure; and be it further

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

Ayes:

Noes:

01/24/25-alh