




ERIE COUNTY WATER AUTHORITY
INTEROFFICE MEMORANDUM

July 31, 2024

To: Terrence D. McCracken, Secretary to the Authority

From: Michael J. Quinn, PE, Senior Distribution Engineer 

Subject: MP-084 Water System Improvements'
Transmission Main Installation, Town of Tonawanda
Right of Entry Agreement
20 Pirson Parkway, 793 East Park Drive, Town of Tonawanda
ECWA Project No. 202000084

The Erie County Water Authority (ECWA) is undertaking the construction of a new transmission main in the Town of Tonawanda (MP-084). A portion of the new main will be constructed from Brookside Terrace in the City of Tonawanda boundary to the existing 48-inch stub pipe along Military Road in the Town of Tonawanda and adjacent to the south boundary of the Tonawanda Landfill. The property at 20 Pirson Parkway in the Town of Tonawanda will be used for temporary access and staging for above-referenced construction. On July 20, 2023, the Water Authority Board approved a Right of Entry Agreement with the Town granting temporary access to the property to ECWA, Arcadis of New York (Consultant), and Concrete Applied Technologies Corp d/b/a CATCO (Contractor). Due to project delays, the original Right of Entry was modified to change the expiration date to September 1, 2024. The delays that led to the revision have continued and as such the Right of Entry Agreement must be extended to September 1, 2025, to allow for construction completion and final restoration. In addition, due to the large amount of staged materials, the use of additional Town of Tonawanda owned property located at 793 East Park Drive is required. All other terms of the agreement remain unchanged.

The ECWA Law and Engineering Departments have reviewed the terms of this Agreement including the expiration date and additional staging area and collectively are recommending that the Board consider the attached Agreement and if approved, authorize the Chairman to execute same. There is no cost associated with this Agreement.

Attached find three copies of the Agreement for execution by the Chairman. Thank you and please feel free to contact me if you have any questions.

MJQ:jmf
Attachments
cc: L.Kowalski
W.Wheeler
M.Jarmuz
CONT-MP-084-2001-X-10

ERIE COUNTY WATER AUTHORITY
 AUTHORIZATION FORM
 For Approval/Execution of Documents
 (check which apply)

Contract: MP-084 **Project No.:** 202000084
Project Description: Water System Improvements,
Transmission Main Installation, Town of Tonawanda

Item Description:


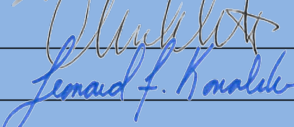
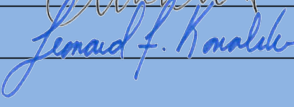


Agreement Professional Service Contract Amendment Change Order
 BCD NYSDOT Agreement Contract Documents Addendum
 Recommendation for Award of Contract Recommendation to Reject Bids
 Request for Proposals
 Other _____

Action Requested:


Board Authorization to Execute Legal Approval
 Board Authorization to Award Execution by the Chairman
 Board Authorization to Advertise for Bids Execution by the Secretary to the Authority
 Board Authorization to Solicit Request for Proposals
 Other _____

Approvals Needed:

APPROVED AS TO CONTENT:

<input checked="" type="checkbox"/> Sr Distribution Engineer		Date: <u>7/30/2024</u>
<input checked="" type="checkbox"/> Chief Operating Officer		Date: <u>07/30/2024</u>
<input checked="" type="checkbox"/> Executive Engineer		Date: <u>8/2/2024</u>
<input type="checkbox"/> Director of Administration	_____	Date: _____
<input checked="" type="checkbox"/> Risk Manager		Date: <u>7/30/2024</u>
<input type="checkbox"/> Chief Financial Officer	_____	Date: _____
<input checked="" type="checkbox"/> Legal		Date: <u>8/5/2024</u>

APPROVED FOR BOARD RESOLUTION:

<input checked="" type="checkbox"/> Secretary to the Authority		Date: <u>8/6/2024</u>
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Remarks: Right of Entry Agreement Extension for 20 Pirson Pkwy and East Park Dr,
Town of Tonawanda.

Resolution Date: _____ **Item No:** _____

EXTENSION OF RIGHT OF ENTRY AGREEMENT

THIS EXTENSION OF RIGHT OF ENTRY AGREEMENT, is made this _____ day of _____, 2024, by and between the TOWN OF TONAWANDA, NEW YORK, 2919 Delaware Avenue, Kenmore, New York 14217, (the "Town"), and the ERIE COUNTY WATER AUTHORITY, 3030 Union Road, Cheektowaga, New York 14227, (the "ECWA"), CONCRETE APPLIED TECHNOLOGIES CORP. d/b/a CATCO, 1266 Townline Road, Alden, New York 14004 ("CATCO") and ARCADIS of New York, Inc., 50 Fountain Plaza, Suite 600, Buffalo, New York 14202 ("Arcadis") (collectively hereinafter referred to as the "Parties").

W I T N E S S E T H :

WHEREAS, the Town and the Parties previously entered into a Right of Entry Agreement executed by Supervisor Emminger on January 10, 2023, (the "Agreement") wherein the Town granted the Parties a right of entry upon certain Town owned property known as 20 Pirson Parkway (the "Premises"), for the purpose of temporary access and staging for the construction of a 48" waterline from Brookside Terrace (City of Tonawanda Boundary) to the existing 48" stub pipe along Military Road (Town of Tonawanda) and adjacent to the south boundary of the Tonawanda Landfill; and

WHEREAS, the Agreement expires on September 1, 2024; and

WHEREAS, the Town and the Parties desire to extend the Agreement through September 1, 2025 and expand the access to include additional Town owned property located at 793 East Park Drive.

NOW, THEREFORE, IT IS AGREED by and between the parties hereto as follows:

1. The Agreement is hereby extended through September 1, 2025.
2. The Agreement is hereby amended to allow the right of entry upon certain

Town owned property known as 20 Pirson Parkway and 793 East Park Drive (the "Premises") as shown on the map attached hereto.

3. All remaining terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be signed by their duly authorized officers and their respective seals to be hereunto affixed, all of which is done the day and year first above written.

[This Agreement may be signed in counterparts.]

TOWN OF TONAWANDA

Seal

by _____
Joseph H. Emminger, Supervisor

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the _____ day of _____, in the year 2024, before me, the undersigned, personally appeared Joseph H. Emminger, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

ERIE COUNTY WATER AUTHORITY

Seal

by _____
its _____

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the _____ day of _____, in the year 2024, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

CONCRETE APPLIED TECHNOLOGIES
CORP., d/b/a CATCO

Seal

by _____
its _____

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the _____ day of _____, in the year 2024, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

ARCADIS OF NEW YORK, INC.

Seal

by _____
its _____

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the _____ day of _____, in the year 2024, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

