

ITEM 1 - RESOLUTION GRANTING THE STATE OF NEW YORK AUTHORITY TO PERFORM THE ADJUSTMENT FOR THE OWNER AND AGREEING TO MAINTAIN FACILITIES ADJUSTED VIA STATE-LET CONTRACT IN CONNECTION WITH PIN NO. 5814.53, PROJECT NO. 202200026

Motion by seconded by

WHEREAS, the New York State Department of Transportation proposes the construction, reconstruction, or improvement of Safety Improvements, NY 952Q, Walden Avenue, SH 9411 (Walden Avenue), Town of Lancaster located in Erie County, identified as PIN 5814.53; and

WHEREAS, the State will include as part of the construction, reconstruction, or improvement of the above-mentioned project for the relocation of hydrants for proposed sidewalk and adjustment of valve box elevations pursuant to Section 10, Subdivision 24 of the State Highway Law, as shown on the contract plans relating to the project and meeting the requirements of the owner; and

WHEREAS, the service life of the relocated and or replaced utilities has not been extended; and

WHEREAS, the State will provide for the reconstruction of the above-mentioned work, as shown on the contract plans relating to the above-mentioned project;

NOW, THEREFORE, BE IT RESOLVED:

That the Erie County Water Authority (the “Authority”) approves of the relocation of hydrants for proposed sidewalk and adjustment of valve box elevations and the above-mentioned work performed on the project and shown on the contract plans relating to the project and that the Authority will maintain or cause to be maintained the adjusted facilities performed as above stated and as shown on the contract plans; and be it further

RESOLVED: That Authority’s Chair has the authority to sign, with the concurrence of the Board, any and all documentation that may become necessary as a result of this project as it relates to the Authority; and be it further

RESOLVED: That the Secretary of Authority is directed to transmit four (4) certified copies of the foregoing resolution to the New York State Department of Transportation.

Ayes:

Noes:

ITEM 2 - AWARD OF CONTRACT TO K&S CONTRACTORS SUPPLY, INC. FOR THE FURNISHING AND DELIVERING OF LARGE DIAMETER HYMAX COUPLINGS TO THE ERIE COUNTY WATER AUTHORITY, PROJECT NO. 202200084 - \$81,488.00

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 28th day of March 2022, a notice inviting sealed bids in accordance with Public Authorities Law §1069 for the Furnishing and Delivering of Large Diameter Hymax Couplings to the Erie County Water Authority; and

WHEREAS, Authority personnel opened sealed bids in the office of the Authority on the 19th day of April, 2022, at 10:00 a.m., local time, and were as follows:

BIDDERS	AMOUNT
K&S Contractors Supply, Inc.	\$81,488.00
Blair Supply Corp.	82,583.56; and

WHEREAS, John M. Catanzaro, Director of Operations and Leonard F. Kowalski, Executive Engineer have reviewed the specifications and bids and determined that K&S Contractors Supply, 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 2022 O&M or Capital Budget includes funds for this project under Unit 2010 Line Maintenance, Item No. 10 Materials and Supplies;

NOW, THEREFORE, BE IT RESOLVED:

That Authority awards the contract to K&S Contractors Supply, 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 K&S Supply, Inc. for the Furnishing and Delivering of Large Diameter Hymax Couplings to the Erie County Water Authority as a unit price contract for the estimated total amount of \$81,488.00; and be it further

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

Ayes:
Noes:

ITEM 3 - AWARD OF CONTRACT TO AMSTAR OF WESTERN NEW YORK, INC. FOR CONTRACT NO. W-034A, STORAGE TANK REFURBISHING AT RICE HILL, WOHLHUETER AND CRESTWOOD TANKS IN THE TOWN OF BOSTON, NEW YORK, PROJECT NO. 202100193 - \$1,013,790.00

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 5th day of April 2022, a notice inviting sealed bids in accordance with Public Authorities Law §1069 for Contract No. W-034A, Storage Tank Refurbishing at Rice Hill, Wohlhueter and Crestwood Tanks in the Town of Boston, New York; and

WHEREAS, Authority personnel opened sealed bids in the office of the Authority on the 28th day of April 2022, at 10:00 a.m., local time, and were as follows:

BIDDERS	AMOUNT
Amstar of Western New York, Inc.	\$1,013,790.00
MGM Insulation, Inc.	1,169,000.00*

*Corrected Figure; and

WHEREAS, Wendel, Consulting Engineers, Michael W. Wymer, Sr. Production Engineer and Leonard F. Kowalski, Executive Engineer have reviewed the specifications and bids and determined that Amstar of Western New York, 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 2022 O&M Budget includes funds for this project under Unit 2502 Construction, Item No. 74 Payments to Contractors – Tanks;

NOW, THEREFORE, BE IT RESOLVED:

That Authority awards the contract to Amstar of Western New York, 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 Amstar of Western New York, Inc. for Contract No. W-034A, Storage Tank Refurbishing at Rice Hill, Wohlhueter and Crestwood Tanks in the Town of Boston, New York as a unit price contract for the estimated total amount of \$1,013,790.00; and be it further

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

Ayes:
Noes:

ITEM 4 - AWARD OF CONTRACT TO KEMIRA WATER SOLUTIONS, INC. FOR THE FURNISHING AND DELIVERING OF POLYALUMINUM CHLORIDE COAGULANT TO THE ERIE COUNTY WATER AUTHORITY FOR USE IN THE TREATMENT OF WATER FOR ONE YEAR, PROJECT NO. 202200031 - \$786,592.74

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 April 2022, a notice inviting sealed bids in accordance with Public Authorities Law §1069 for the Furnishing and Delivering of Polyaluminum Chloride Coagulant to the Erie County Water Authority for Use in the Treatment of Water for One Year; and

WHEREAS, Authority personnel opened sealed bids in the office of the Authority on the 3rd day of May, 2022, at 10:00 a.m., local time, and were as follows:

BIDDERS	AMOUNT
Kemira Water Solutions, Inc.	\$786,592.74
USALCO	808,646.74; and

WHEREAS, Michael W. Wymer, Sr. Production Engineer and Leonard F. Kowalski, Executive Engineer have reviewed the specifications and bids and determined that Kemira Water Solutions, 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 2022 O&M Budget includes funds for this project under Unit 1010 Sturgeon Point Plant, Item No. 13 Chemicals and Unit 1015 Van de Water Plant, Item No. 13 Chemicals;

NOW, THEREFORE, BE IT RESOLVED:

That Authority awards the contract to Kemira Water Solutions, 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 Kemira Water Solutions, Inc. for the Furnishing and Delivering of Polyaluminum Chloride Coagulant to the Erie County Water Authority for Use in the Treatment of Water for One Year as a unit price contract for the estimated total amount of \$786,592.74; and be it further

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

Ayes:

Noes:

ITEM 5 - APPROVAL OF AMENDMENT NO. 2 TO THE CONTRACT WITH CRM CONTRACTING, INC. RELATING TO FENCING AND GUARDRAIL MAINTENANCE, REPLACEMENT AND ALTERATION CONTRACT FROM APRIL 1, 2020 TO MARCH 31, 2021, PROJECT NO. 202000004, IDENTIFIED AS CONTRACT NO. 20-23-09

Motion by seconded by

WHEREAS, on August 27, 2020, the Erie County Water Authority (the "Authority") Board of Commissioners approved a resolution awarding a contract to CRM Contracting, Inc. (the "Contractor") for the Fencing and Guardrail Maintenance, Replacement and Alteration Contract from April 1, 2020 to March 31, 2021, identified as Contract No. 20-23-09 (the "Contract");and

WHEREAS, the Contract, executed on September 10, 2020, provided services until March 31, 2021; and

WHEREAS, on March 4, 2021 the Authority and the Contractor agreed to extend the term of the Contract for one year through March 31, 2022; and

WHEREAS, the Contractor has agreed to extend this Contract until March 31, 2023 based on the same terms and conditions, including but not limited to, labor billed at an hourly rate, at the service rates set forth in section 00410, paragraph 5.01, Item 1 of the Contract; and

WHEREAS, Michael W. Wymer, Sr. Production Engineer and Leonard F. Kowalski, Executive Engineer recommend executing an amendment extending this Contract until March 31, 2023 based on the same terms and conditions, including but not limited to, labor billed at an hourly rate, at the service rates set forth in section 00410, paragraph 5.01, Item 1 of the Contract; and

WHEREAS, the Authority's 2022 O&M Budget includes funds for this project under Unit 1010 Sturgeon Point Plant, Item No. 19 Payments to Contractors-Other; Unit 1015 Van de Water Plant, Item No. 19 Payments to Contractors-Other; Unit 1020 Control Operations, Item No. 19 Payments to Contractors-Other and Unit 3070 Facilities, Item No. 19 Payments to Contractors-Other;

NOW, THEREFORE, BE IT RESOLVED:

That the Board of Commissioners approve amending this Contract to allow for a one-year extension until March 31, 2023 based on the same terms and conditions, including but not limited to, labor billed at an hourly rate, at the service rates set forth in section 00410, paragraph 5.01, Item 1 of the Contract; and be it further

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

Ayes:

Noes:

05/19/22-pjg

ITEM 6 - APPROVAL OF AMENDMENT NO. 3 TO THE PROFESSIONAL SERVICES AGREEMENT WITH E3 COMMUNICATIONS, INC. RELATING TO COMMUNICATIONS AND PUBLIC RELATIONS SERVICES, PROJECT NO. 201800179

Motion by seconded by

WHEREAS, on August 16, 2018, the Erie County Water Authority's ("Authority") Board of Commissioners awarded E3 Communications, Inc. ("E3") a professional services contract to provide communications and public relations services (the "Contract") for a three-year term, beginning August 1, 2018; and

WHEREAS, the Contract was fully executed on September 10, 2018, with the Authority making its first payment for services for the month of August 2018; and

WHEREAS, on April 30, 2020, the Authority and E3 agreed to increase E3's rate to \$7,000 per month effective April 1, 2020; and

WHEREAS, on September 16, 2021, the Authority and E3 agreed to extend the term of the contract for an additional one-year period through July 31, 2022; and

WHEREAS, the parties wish to extend the contract for an additional one-year period through July 31, 2023, pursuant to paragraph 3 of the Contract; and

WHEREAS, in accordance with paragraph 5 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 of Commissioners of the Authority (the "Board") and signed by all parties; and

WHEREAS, Terrence D. McCracken, Secretary to the Authority recommends amending the Contract with E3 to extend the contract for an additional one-year period through July 31, 2023; and

WHEREAS, the Authority's 2022 O&M Budget includes funds for this project under Unit 6030 Public Information, Item No. 60 Special Services;

NOW, THEREFORE, BE IT RESOLVED:

That the Board approves amending the Contract with E3 to extend the contract for an additional one-year period through July 31, 2023, pursuant to paragraph 3 of the Contract; and be it further

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

Ayes:

Noes:

ITEM 7 - AUTHORIZATION FOR THE REVIEW AND APPROVAL OF THE ADVERTISEMENT OF BIDS, AND THE SOLICITATION OF REQUESTS FOR PROPOSALS OR INFORMATION TO BE DELEGATED TO, AND VESTED WITH, MEMBERS OF THE EXECUTIVE STAFF WITH FINAL AUTHORIZATION FOR THE APPROVAL OF CONTRACTS REMAINING WITH THE BOARD OF COMMISSIONERS

Motion by seconded by

WHEREAS, through the enactment of Public Authorities Law §§ 1054 (12) and 1069, the Legislature of the State of New York (“State Legislature”) has vested the Erie County Water Authority (the “Authority”) with the power to make and execute contracts for the procurement of goods and services, and

WHEREAS, through the enactment of Public Authorities Law § 1053(1), the State Legislature intended the power of the Authority to “be vested in and be exercised by the members at a meeting duly called and held” and for which a quorum has been established, but also permitted the Authority to “delegate to one or more of its members, officers, agents or employees such powers and duties as it may deem proper,” and

WHEREAS, since its creation, the Authority’s power to authorize the advertisement of bid notices and the solicitation of requests for proposals or information has been exercised by the Authority’s Board of Commissioners (the “Board”), through the adoption of a resolution, and

WHEREAS, the Authority’s management staff, often with the assistance of consulting firms, has traditionally overseen the preparation of bid notices and advertisements, as well as requests for proposals or information, prior to the Board authorization for such advertisements or solicitations, and

WHEREAS, the Board has generally adopted resolutions allowing for such advertisements or solicitations upon the terms and conditions recommended by the Authority’s management staff by unanimous consent, and

WHEREAS, the Board has recently made the decision to limit its regular, scheduled board meetings to once a month,

NOW, THEREFORE, BE IT RESOLVED,

That the Board delegates and vests the power and duty to authorize the advertisement of bid notices to the following Authority personnel: the Secretary of the Authority, the Chief Operating Officer, the Chief Financial Officer, the General Counsel, and the Executive Engineer (the “Executive Staff”), and be it further

RESOLVED, that the Board delegates and vests the power and duty to authorize the solicitation for the requests for proposals or information to the Executive Staff, and be it further

RESOLVED, that the Executive Staff shall report to the Board at the next regular meeting any authorizations for the advertisements of bid notices, or the solicitation of requests for proposals or information, with such advertisements or solicitations being posted on the Authority's website, and be it further

RESOLVED, the Board shall retain the power to approve the final terms and conditions of any contract, and to authorize the execution of any contract in accordance with the terms of its Bylaws.

Ayes:

Noes:

5/19/22-MAM:tg

**ITEM 8 - AUTHORIZATION TO GRANT A COURTESY REVERSAL OF
DELINQUENT CHARGES FOR THE TOWN OF AMHERST - \$6,528.78**

Motion by seconded by

WHEREAS, Section 9.11 of the Erie County Water Authority's (the "Authority") Tariff, allows a courtesy delinquent charge reversal annually if the customer has a good payment history and requests the reversal; and

WHEREAS, Karen A. Prendergast, CFO, advised the Authority that she has received a request to waive the delinquent charge for the Town of Amherst; and

WHEREAS, Karen A. Prendergast, CFO advised that this qualifies under the terms of the Tariff; and

WHEREAS, Karen A. Prendergast, CFO, recommends granting the above request;

NOW, THEREFORE, BE IT RESOLVED:

That the Board grants the courtesy delinquent charge reversal request to the Town of Amherst; and be it further

RESOLVED: That the Comptroller is hereby authorized and directed to adjust the account of the Town of Amherst.

Ayes:

Noes:

05/19/22-pjg

ITEM 9 - AUTHORIZATION TO REVISE AND ADOPT THE ERIE COUNTY WATER AUTHORITY'S POLICY NO. 40.0 (HOLIDAYS)

Motion by seconded by

WHEREAS, on May 18, 1995, the Erie County Water Authority's (the "Authority") Board of Commissioners (the "Board") adopted an Employee Policies/Procedures Manual (the "Manual"); and

WHEREAS, this Manual contains a policy applying to the Non-Represented/Managerial employees setting forth observed holidays (the "Policy"); and

WHEREAS, on November 6, 2003, the Board approved a resolution amending Policy 40.0; and

WHEREAS, on November 24, 2021, the Board authorized the execution of a new five-year collective bargaining agreement ("CBA") with the White-Collar employees represented by the CSEA; and

WHEREAS, a revised holiday schedule was negotiated for the CSEA employees under the new CBA; and

WHEREAS, coordinating of holiday schedules of employees is beneficial to the efficient operation of the Authority as well as management of Authority's employees; and

WHEREAS, in order to attain this, the Executive Staff recommends amending the Policy to mirror the holiday schedule set forth in the new CBA; and

WHEREAS, on May 19, 2022, the Authority's Governance Committee reviewed and recommended the adoption of the amended Policy to the Board of Commissioners; and

NOW THEREFORE BE IT RESOLVED:

The Board adopts and amends Policy No. 40.0 Holidays; and be it further

RESOLVED: The Board directs the Director of Administration to circulate the revised Policy to the affected employees.

Ayes:

Noes:

05/19/22-pjg

ITEM 10 - AUTHORIZATION FOR LEONARD KOWALSKI, EXECUTIVE ENGINEER, DAVID PATTON, SR. PRODUCTION ENGINEER AND MICHAEL WYMER, SR. PRODUCTION ENGINEER TO ATTEND THE 2022 AWWA ACE CONFERENCE IN SAN ANTONIO, TEXAS

Motion by seconded by

WHEREAS, the Erie County Water Authority deems it advisable for Leonard Kowalski, Executive Engineer, David Patton, Sr. Production Engineer and Michael Wymer, Sr. Production Engineer to attend the 2022 AWWA ACE Conference in San Antonio, Texas at a total estimated cost of \$9,000.00;

NOW, THEREFORE, BE IT RESOLVED:

That Leonard Kowalski, Executive Engineer, David Patton, Sr. Production Engineer and Michael Wymer, Sr. Production Engineer are authorized to travel to San Antonio, Texas from June 11, 2022 to June 15, 2022 to attend the 2022 AWWA ACE Conference at a total estimated cost of \$9,000.00.

Ayes:

Noes:

05/19/22-pjg

**ITEM 11 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER
AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2022**

Motion by seconded by

WHEREAS, in a resolution dated October 28, 2021, the Erie County Water Authority (the "Authority") adopted its Annual Capital Budget for the fiscal year 2022; 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 Leonard Kowalski, Executive Engineer, due to safety issues concerning the storage of excavation materials, funding is needed for necessary repaving of the spoils area at the Service Center that wasn't budgeted for in the 2022 Capital Budget; and

WHEREAS, funds will be available from budget item 101521 MP-084 – Transmission Main Replacement in 2022 due to project delays; 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>
3070	101679	Excavation Materials Storage	<u>\$ 125,000</u>	
2595	101521	MP-084 Transmission Main Replacement		<u>\$ 125,000</u>
Totals			\$ 125,000	\$ 125,000;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority's Annual Capital Budget for the fiscal year 2022 be amended as listed above.

Ayes:

Noes:

05/19/22-SVD:pjg

**ITEM 12 - REBECCA A. BYLEWSKI - APPOINTMENT AS ASSOCIATE ATTORNEY
(PART-TIME)**

Motion by seconded by

WHEREAS, Pursuant to Article V, Title 3, Section 1053 of the Public Authorities Law, the Erie County Water 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 qualification, 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 County 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;

NOW, THEREFORE BE IT RESOLVED:

That Rebecca A. Bylewski, be appointed to the position of Associate Attorney (Part-Time); said appointment being subject to the approval of the Erie County Personnel Officer, and to be compensated at a rate of \$100.00 per hour, not to exceed nineteen hours (19) per biweekly pay period and not to exceed the annual budgetary appropriation, effective June 6, 2022.

Ayes:

Noes:

05/19/22-pjg

ITEM 13 - AUTHORIZATION TO INCREASE THE HOURLY RATE OF PAY FOR THE ERIE COUNTY WATER AUTHORITY’S SEASONAL EMPLOYEES

Motion by seconded by

WHEREAS, over the summer months the Erie County Water Authority (the “Authority”), employs seasonal employees to perform duties that the staff is not able to complete during the year such as meter reading, hydrant painting; and

WHEREAS, due to Covid, the Authority has not hired any seasonal employees in the past two (2) years; and

WHEREAS, in 2016, the Authority increased the hourly rate for seasonal employees to 12.00/hour for new seasonal employees and \$12.50/hour for returning seasonal employees; and

WHEREAS, also due to Covid and lack of help, companies universally are raising their employee’s hourly rate; and

WHEREAS, since it was 2016 that the Authority last raised its hourly rate for seasonal employees and due to competitive salaries, Terrence D. McCracken, Secretary to the Authority recommends that the Board of Commissioners (the “Board”) increase the hourly rate for seasonal employees to \$18.00/hr.; and

WHEREAS, each seasonal is budgeted by units in line 02 Labor;

NOW, THEREFORE, BE IT RESOLVED:

That the Board approves increasing the hourly rate for seasonal employees to \$18.00/hr. effective May 19, 2022.

Ayes:

Noes:

05/19/22-pjf