

ITEM 1 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH HUNT ENGINEERS, ARCHITECTS, LAND SURVEYORS & LANDSCAPE ARCHITECTS, DPC FOR PROFESSIONAL ENGINEERING SERVICES RELATING TO DRAINAGE IMPROVEMENTS TO THE WILLIAM STREET PUMP STATION LOCATED IN THE TOWN OF LANCASTER, NEW YORK, IDENTIFIED AS CONTRACT NO. HE-002, PROJECT NO. 202200235

Motion by _____ seconded by _____

WHEREAS, the Erie County Water Authority's (the "Authority") recently issued a Request for Proposal (the "RFP") to qualified firms to provide professional engineering services relating to Drainage Improvements to the William Street Pump Station located in the Town of Lancaster, New York, identified as Contract No. HE-002; and

WHEREAS, A copy of the RFP was sent to the following firms:

Barton and Loguidice
DiDonato Associates
LaBella Associates
JM Davidson Engineering, DPC
Watts Architecture and Engineering; and

WHEREAS, the RFP was also posted on the Authority's website which resulted in interest from two additional firms: DuBois & King Inc. and Hunt Engineers, Architects, Land Surveyors and Landscape Architects, DPC (Hunt EAS)); and

WHEREAS, DiDonato Associates, DuBois & King Inc., Hunt EAS, and LaBella Associates, chose to submit a proposal for this project; 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, after the proposals were reviewed and discussed among the review committee, it was determined that Hunt EAS was the best firm for this project; and

WHEREAS, the review committee recommends that the Authority enter into a Professional Services Agreement with Hunt EAS to provide professional engineering services relating to Drainage Improvements to the William Street Pump Station located in the Town of Lancaster, New York, identified as Contract No. HE-002; and

WHEREAS, the Authority's 2022 Capital Budget includes funds for this project under Unit 2520 Eng/Const Control, Item No. 101680 William PS Drainage Improvements;

NOW, THEREFORE, BE IT RESOLVED:

That the Board accepts the proposal of Hunt EAS to provide professional engineering services relating to Drainage Improvements to the William Street Pump Station located in the Town of Lancaster, New York, identified as Contract No. HE-002, under the terms and conditions set forth in said proposal; and be it further

RESOLVED: Pursuant to New York State Finance Law §139-j and 139-k and the Authority's Purchasing Guidelines, Policies and Procedures with the award and execution by the Authority of this agreement, the Restricted Period will cease; and be it further

RESOLVED: That the Chairman is authorized to execute said Professional Services Agreement on behalf of the Authority; and be it further

RESOLVED: That the Secretary is authorized to forward an executed copy of said Agreement together with a certified copy of this resolution to Hunt EAS.

Ayes:

Noes:

10/20/22-pjg

ITEM 2 - AUTHORIZATION TO EXECUTE A SERVICE AGREEMENT WITH VERIZON BUSINESS NETWORK SERVICES, LLC RELATIVE TO INTERNET SERVICES

Motion by seconded by

WHEREAS, the Erie County Water Authority (the “Authority”) currently utilizes Verizon Business Network Services, LLC (“Verizon”) for its internet services (fiber point-to-point at Authority locations; and

WHEREAS, Verizon informed the Authority that three dedicated internet circuits were being discontinued on December 31, 2022 due to the technology no longer being supported; and

WHEREAS, the IT department investigated the circuits and determined only one was still required which is located at Sturgeon Point and is used by National Grid to monitor a remote terminal to ensure continuous power at the plant; and

WHEREAS, the IT department is working with Verizon and National Grid to determine an appropriate and cost-effective replacement to ensure there is no disruption in communications; and

WHEREAS, one of the options Verizon and National Grid are recommending is to have fiber optic cable installed at the Sturgeon Point Water Treatment Plant; and

WHEREAS, to conduct a feasibility assessment and to determine if there are any associated construction costs, Verizon is requesting that the Authority sign a Service Agreement to allow for an engineer to come on-site and perform analysis to determine any associated installation or construction costs; and

WHEREAS, David W. Aubertine, Director of Cybersecurity and Information Technology recommends executing the Service Agreement; and

WHEREAS, the Authority’s 2022 O&M Budget includes funds for this project under Unit 8525 Information Technology, Item No. 23 Telephone;

NOW, THEREFORE, BE IT RESOLVED:

That the Board approves entering into a Service Agreement with Verizon to allow for an engineer to come on-site and perform analysis to determine any associated installation or construction costs; and be it further

RESOLVED: That the Chairman is authorized to execute the Service Agreement on behalf of the Authority; and be it further

RESOLVED: That the Secretary is authorized to forward an executed copy of said Agreement together with a certified copy of this resolution to Verizon.

Ayes:

Noes:

10/20/22-pjg

ITEM 3 - AUTHORIZATION TO EXECUTE A MASTER SOFTWARE AND SERVICES AGREEMENT AND STATEMENT OF SERVICES WITH TOSHIBA AMERICA BUSINESS SOLUTIONS, INC. RELATIVE TO THE ENTERPRISE CONTENT MANAGEMENT SYSTEM, PROJECT NO. 202200249

Motion by seconded by

WHEREAS, the Erie County Water Authority (the “Authority”) recently issued a Request for Proposals (“RFP”) to qualified firms to provide Enterprise Content Management System capabilities which includes software licenses and support, systems analysis, development, implementation, and support services to the Authority; and

WHEREAS, the following firms responded to the RFP:

Accelerated Info Systems (Laserfiche)
ColumbiaSoft (Document Locator)
Forefront (Intellidox)
Hyland (OnBase)
IQBG (M-Files)
Toshiba America Business Systems, Inc. (“Toshiba”) (DocuWare); and

WHEREAS, after the proposals were reviewed and discussed among the review committee, it was determined that the DocuWare application is the best fit for the Authority based upon meeting the stated requirements, ability to integrate, and total cost of ownership over a 3-year period; and

WHEREAS, the DocuWare application is offered by Toshiba as a third-party reseller; and

WHEREAS, prior to finalizing the selection, the Committee decided it would be prudent to install a demonstration version of the software to ensure that all departments had the opportunity to fully evaluate the system; and

WHEREAS, Toshiba is willing to offer a 30-day trial, but will require a small number of professional services hours to install and configure the software at the estimated cost of \$1,200.00 for the period November 1, 2022 to November 30, 2022; and

WHEREAS, David W. Aubertine, Director of Cybersecurity and Information Technology recommends that the Board of Commissioners of the Authority (the “Board”) enter into a Master Software and Services Agreement (the “Agreement”) and a Statement of Services (“SOS”); and

WHEREAS, the Authority’s 2022 Capital Budget includes funds for this project under Unit 8525 Information Technology, Item No. 101663 Project Tracking/File Retrieval;

NOW, THEREFORE, BE IT RESOLVED:

That the Board approves entering into an Agreement and SOS with Toshiba to install a demonstration version of the software to ensure that all departments had the opportunity to fully evaluate the system; and

RESOLVED: That the Chairman is authorized to execute the Agreement and SOS on behalf of the Authority; and be it further

RESOLVED: That the Secretary is authorized to forward an executed copy of the Agreement and SOS together with a certified copy of this resolution to Toshiba.

Ayes:

Noes:

10/20/22-pjg

ITEM 4 - AUTHORIZATION TO ENTER INTO A PREVENTATIVE MAINTENANCE SERVICE AGREEMENT WITH SIEMENS LARGE DRIVES, LLC TO PROVIDE PREVENTATIVE MAINTENANCE SERVICES FOR SIEMENS VARIABLE FREQUENCY DRIVES, IDENTIFIED AS CONTRACT NO. ROB-009, PROJECT NO. 202200138

Motion by Mr. _____ seconded by Mr. _____

WHEREAS, the Erie County Water Authority ("Authority") owns and operates 11 Siemens Variable Frequency Drives contained at three (3) separate sites: seven (7) at the Authority's Sturgeon Point Water Treatment Plant, two (2) at Van de Water Raw Water Pumping Station and two (2) at 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, 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, Siemens Industry, Inc. will provide on-site labor to perform preventative maintenance checks on the equipment which consists of inspection, cleaning, component testing/evaluation, cleaning/re-tightening of electrical connections, calibration, and tuning of each drive.

WHEREAS, Siemens Industry, Inc. is the sole supplier for the drives; and

WHEREAS, Michael Wymer, Sr. Production Engineer and Leonard Kowalski, Executive Engineer recommend entering into a Preventative Maintenance Service Agreement with Siemens Industry, Inc. for the abovementioned services; and

WHEREAS, the Authority's 2022 O&M Budget includes funds for this project under Unit 1020 Control Operations, Item No. 26 Equipment Maintenance Contract; Unit 1010 Sturgeon Point Plant, Item No. 26 Equipment Maintenance Contract and Unit 1015 Van de Water Plant, Item No. 26 Equipment Maintenance Contract;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority enters into a Preventative Maintenance Service Agreement with Siemens Large Drives, LLC to provide on-site labor required to perform preventative maintenance checks on the 11 Siemens Variable Frequency Drives contained at the Authority's Sturgeon Point Water Treatment Plant, Van de Water Raw Water Pumping Station and Ball Pump Station under the terms and conditions set forth in said proposal; and be it further

RESOLVED: That the Chairman is hereby authorized to execute said agreement on behalf of the Authority; and be it further

RESOLVED: That the Secretary is hereby authorized to forward an executed copy of said Agreement together with a certified copy of this resolution to Siemens Large Drives, LLC.

Ayes:

Noes:

10/20/22-pjg

ITEM 5 - AUTHORIZATION TO ENTER INTO A CONTRACT WITH ANTHRATECH US, INC. D/B/A AWI FOR CONTRACT NO. MP-090-P01 FILTER UNDERDRAIN PROCUREMENT STURGEON POINT WATER TREATMENT PLANT FILTRATION PIPING, VALVE, AND UNDERDRAIN SYSTEM IMPROVEMENTS, PROJECT NO. 202200014 - \$3,224,243.00

Motion by seconded by

WHEREAS, Contract No. MP-090 consists of design and construction to Filters 1 through 10 at the Erie County Water Authority's (the "Authority") Sturgeon Point Water Treatment Plant in which various components needed for this project will be purchased through pre-procurement contracts; and

WHEREAS, Contract No. MP-090-P01 is a Filter Underdrain procurement contract; and

WHEREAS, Arcadis, Consulting Engineers, conducted a comprehensive examination of the available underdrain systems from multiple manufactures; and

WHEREAS, the AWI system was the only system to meet all necessary criteria including the key requirement that the underdrain function in a concurrent air/water flow within the existing geometry of Filters 5 through 10; and

WHEREAS, it was determined that the AWI Underdrain System is a sole source purchase; and

WHEREAS, Anthratch US, Inc. d/b/a AWI ("AWI") is an established equipment supplier of the AWI Underdrain System and have demonstrated a good understanding of the scope and requirements for this contract; and

WHEREAS, Michael W. Wymer, Sr. Production Engineer and Leonard F. Kowalski, Executive Engineer recommend entering into a contract as a sole source procurement of the AWI Underdrain System for Contract No. MP-090; and

WHEREAS, the Authority's 2022 Capital Budget includes funds for this project under Unit 2510 Eng/Const Sturgeon Point, Item No. 101506 Filter Gallery Piping Design;

NOW, THEREFORE, BE IT RESOLVED:

That Board of Commissioners of the Authority approves entering into a contract as a sole source procurement of the AWI Underdrain System for Contract No. MP-090 with AWI in the amount of \$3,224,243.00, and be it further

RESOLVED: that the Chair is authorized to execute a contract with AWI on behalf of the Authority.

Ayes:

Noes:

10/20/22-pjg

ITEM 6 - AWARD OF CONTRACT TO E&R GENERAL CONTRACTING, INC. FOR CONTRACT NO. GP-010 WATER SYSTEM IMPROVEMENTS, TRANSMISSION & DISTRIBUTION MAINS WILLET ROAD, ABBOTT ROAD, AND NORTH DRIVE, CITY OF LACKAWANNA, TOWNS OF HAMBURG AND ORCHARD PARK, PROJECT NO. 202100035 - \$9,937,080.00

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 15th day of August 2022, a notice inviting sealed bids in accordance with Public Authorities Law §1069 for Contract No. GP-010 Water System Improvements Transmission & Distribution Mains Willet Road, Abbott Road, and North Drive, City of Lackawanna, Towns of Hamburg and Orchard Park; and

WHEREAS, Authority personnel opened sealed bids in the office of the Authority on the 27th day of September 2022, and were as follows:

BIDDERS	AMOUNT
E&R General Contracting, Inc.	\$ 9,937,080.00
Kandey Company, Inc.	10,650,390.00
716 Site Contracting, Inc.	11,201,730.00*
4 th Generation Construction, Inc.	13,305,110.00

*Corrected Bid Amount; and

WHEREAS, Greenman-Pederson, Inc., Consulting Engineers, Michael J. Quinn, Senior Distribution Engineer and Leonard F. Kowalski, Executive Engineer have reviewed the specifications and bids and determined that E&R General Contracting, 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 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 Authority awards the contract to E&R General Contracting, 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 E&R General Contracting, Inc. for Contract No. GP-010 Water System Improvements, Transmission & Distribution Mains Willet Road, Abbott Road, and North Drive, City of Lackawanna, Towns of Hamburg and Orchard Park as a unit price contract for the estimated total amount of \$9,937,080.00; and be it further

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

Ayes:

Noes:

10/20/22-alh

ITEM 7 - AWARD OF CONTRACT TO MOTION AUTOMATION INTELLIGENCE FOR CONTRACT NO. MP-090-P06 PLC EQUIPMENT PROCUREMENT STURGEON POINT WATER TREATMENT PLANT FILTRATION PIPING, VALVE, AND UNDERDRAIN SYSTEM IMPROVEMENTS, PROJECT NO. 202200014 - \$324,000.00

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 15th day of July 2022, a notice inviting sealed bids in accordance with Public Authorities Law §1069 for Contract No. MP-090-P06 PLC Equipment Procurement Sturgeon Point Water Treatment Plant Filtration Piping, Valve, and Underdrain System Improvements; and

WHEREAS, Authority personnel opened a sealed bid in the office of the Authority on the 5th day of August 2022, and was as follows:

BIDDER	AMOUNT
Motion Automation Intelligence*	\$324,000.00

*Only bid received; and

WHEREAS, Arcadis, Consulting Engineers, Michael W. Wymer, Sr. Production Engineer and Leonard F. Kowalski, Executive Engineer have reviewed the specification and bid and determined that Motion Automation Intelligence is a responsible 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 Capital Budget includes funds for this project under Unit 2510 Eng/Const Sturgeon Point, Item No. 101506 Filter Gallery Piping Design;

NOW, THEREFORE, BE IT RESOLVED:

That Authority awards the contract to Motion Automation Intelligence as a responsible bidder for the abovementioned project, and be it further

RESOLVED: that the Chair is authorized to execute a contract with Motion Automation Intelligence for Contract No. MP-090-P06 PLC Equipment Procurement Sturgeon Point Water Treatment Plant Filtration Piping, Valve, and Underdrain System Improvements as a unit price contract for the estimated total amount of \$324,000.00.

Ayes:

Noes:

10/20/22-alh

ITEM 8 - APPROVAL OF AMENDMENT NO. 1 TO THE CONTRACT WITH GREATER NIAGARA MECHANICAL, INC. FOR HEATING, VENTILATING AND AIR CONDITIONING SERVICE AND PREVENTIVE MAINTENANCE WORK, PROJECT NO. 202000098, IDENTIFIED AS CONTRACT NO. 20-26-12

Motion by seconded by

WHEREAS, on November 19, 2020, the Erie County Water Authority (the “Authority”) awarded Greater Niagara Mechanical, Inc. (the “Contractor”) the Heating, Ventilating, and Air Conditioning Service and Preventative Maintenance Contract (the “Contract”); and

WHEREAS, the Contract, executed on December 17, 2020, provides services until October 31, 2022; and

WHEREAS, in accordance with Section 00500, Paragraph 11.00, subparagraph A of the Contract, the parties may agree to extend the Contract on the same terms and conditions for up to one year; and

WHEREAS, the Contractor has agreed to extend this Contract until November 30, 2022, 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 of the Contract; and

WHEREAS, The Authority’s 2022 O&M Budget includes funds for this project under Unit 1020 Control Operations, Item No. 19 Payments to Contractors-Other;

NOW, THEREFORE, BE IT RESOLVED:

That the Board of Commissioners approves amending the Contract with Greater Niagara Mechanical, Inc. by extending the Contract completion date to November 30, 2022; and be it further

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

Ayes:

Noes:

10/20/22-alh

ITEM 9 - APPROVAL OF AMENDMENT NO. 1 TO THE CONTRACT WITH K&S CONTRACTORS SUPPLY, INC. FOR THE FURNISHING AND DELIVERING OF LARGE DIAMETER HYMAX COUPLINGS TO THE ERIE COUNTY WATER AUTHORITY, PROJECT NO. 202200084, IDENTIFIED AS CONTRACT NO. 22-20-05

Motion by seconded by

WHEREAS, on May 19, 2022, the Erie County Water Authority (the “Authority”) and K&S Contractors Supply, Inc. (the “Supplier”) entered into a contract (the “Contract”) for the Furnishing and Delivering of Large Diameter Hymax Couplings to the Authority; and

WHEREAS, supply chain issues relative to the Covid-19 pandemic have caused delays and the Supplier has requested additional time to deliver the Hymax couplings to the Authority;

WHEREAS, in accordance with Article 5, § 5.02 of the Contract, any modifications or variations from the terms of the Contract, must be in writing, authorized by a resolution of the Board of Commissioners of the Authority (the “Board”), and signed by all parties to be effective; and

WHEREAS, the Authority’s 2022 O&M includes funds for this project under account 150000 – Materials and Supplies;

NOW, THEREFORE, BE IT RESOLVED:

That the Board approves amending the Contract with K&S Contractors Supply, Inc. by extending the Contract’s duration until January 31, 2023; and be it further

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

Ayes:

Noes:

10/20/22-alh

ITEM 10 - APPROVAL OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH NUSSBAUMER & CLARKE, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES FOR NEW PUMP STATION AT THE NEWSTEAD WATER STORAGE TANK, IDENTIFIED AS CONTRACT NO. NC-043, PROJECT NO. 202100048

Motion by seconded by

WHEREAS, on March 4, 2021, the Erie County Water Authority (the “Authority”) awarded Nussbaumer & Clarke, Inc. (the “Engineer”) a Professional Service Agreement to provide Consulting Engineering Services for New Pump Station at the Newstead Water Storage Tank (the “Agreement”); and

WHEREAS, based on the recommendation of the Authority’s Chief Operating Officer and Executive Engineer, the Authority seeks to amend the Agreement’s scope of services to include the evaluation of three design alternatives for the pump station; and

WHEREAS, the Engineer has requested an additional fee of \$32,840.00 for performing the additional services relative to the design alternatives; and

WHEREAS, in accordance with Article 5, § 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 of Commissioners of the Authority (the “Board”), and signed by all parties to be effective; and

WHEREAS, the Authority’s 2022 Capital Budget includes funds for this project under Unit 2520 Eng/Const Control, Item No. 101589 Newstead PS Improvements;

NOW, THEREFORE, BE IT RESOLVED:

That the Board approves amending the Professional Services Agreement with Nussbaumer & Clark, Inc. to include an additional fee of \$32,840.00 for performing the additional services relative to the design alternatives; and be it further

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

Ayes:

Noes:

10/20/22-alh

ITEM 11 - APPROVAL OF AMENDMENT NO. 1 TO THE MATERIALS AND SUPPLIES CONTRACT WITH SOUTHTOWN SUPPLY, INC. FOR THE FURNISHING AND DELIVERING OF VARIOUS WOOD PRODUCTS TO THE ERIE COUNTY WATER AUTHORITY, PROJECT NO. 202100197, IDENTIFIED AS CONTRACT NO. 21-31-12

Motion by seconded by

WHEREAS, on December 22, 2021, the Erie County Water Authority (the “Authority”) awarded Southtown Supply, Inc. (the “Supplier”) a Materials and Supplies Contract to furnish and deliver wood products (the “Contract”) for a one-year term, beginning January 1, 2022; and

WHEREAS, the Contract provides for various wood products to be delivered to the Authority, as ordered, from January 1, 2022 through December 31, 2022; 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 (2) 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 of Commissioners of the Authority (the “Board”) and signed by all parties; and

WHEREAS, the Supplier has agreed to extend the Contract until December 31, 2023, based on the same terms and conditions, including pricing as set forth in Article 4, Paragraph 4.01 of the Contract; and

WHEREAS, The Authority’s 2022 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 Board approves amending the Contract with Southtown Supply, Inc. by extending the Contract completion date to December 31, 2023; and be it further

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

Ayes:
Noes:

10/20/22-alh

ITEM 12 - APPROVAL OF AMENDMENT TO THE RIGHT OF ENTRY AGREEMENT WITH THE TOWN OF TONAWANDA, NEW YORK RELATING TO CONTRACT NO. GHD-011, PROJECT NO. 202200010 (CCII)

Motion by _____ and seconded by _____

WHEREAS, on February 23, 2022 the Erie County Water Authority’s (the “Authority”) Board of Commissioners (the “Board”) approved entering into a Right of Entry Agreement (the “Agreement”) with the Town of Tonawanda (the “Town”), New York; and

WHEREAS, the Agreement grants the Authority and its contractors the right of entry over a portion of Brighton Park to conduct a topographic survey and complete the geotechnical investigation; and

WHEREAS, in response to comments from the Office of State Parks and Historical Preservation related to the SEQR process, the Consultant on the project, GHD, needs to expand the access to conduct soil shovel testing and micro tunneling; and

WHEREAS, to allow for this work to be completed on Town property, the Town has requested that the existing Right of Entry be amended; and

WHEREAS, Michael J. Quinn, Sr. Distribution Engineer and Leonard F. Kowalski, Executive Engineer have reviewed the terms of the Amendment and recommend that the Board approve the amendment;

NOW, THEREFORE, BE IT RESOLVED:

That the Board approves entering into an Amendment with the Town granting the Authority and GHD the right of entry upon a portion of certain Town-owned land commonly known as Brighton Park in the Town of Tonawanda, New York for the purpose of conducting shovel testing and micro tunneling; and be it further

RESOLVED: That the Chairman is authorized to execute the Amendment on behalf of the Authority; and be it further

RESOLVED: That the Secretary is authorized to forward an executed copy of said Agreement together with a certified copy of this resolution to the Town and GHD.

Ayes:

Noes:

ITEM 13 - APPROVAL OF AMENDMENT NO. 3 TO THE PROFESSIONAL SERVICES AGREEMENT WITH NEW YORK STATE INDUSTRIES FOR THE DISABLED, INC. AND THE ERIE COUNTY CHAPTER NYSARC, INC. D/B/A THE ARC ERIE COUNTY NEW YORK FOR LANDSCAPING, GROUND IMPROVEMENTS AND MAINTENANCE OF PROPERTIES OF THE ERIE COUNTY WATER AUTHORITY ERIE COUNTY, NEW YORK, PROJECT NO. 202100004

Motion by seconded by

WHEREAS, on April 15, 2021, the Erie County Water Authority (the “Authority”) executed an agreement with New York State Industries for the Disabled, Inc. (“NYSID”) and the Erie County Chapter NYSARC, Inc. d/b/a the ARC Erie County New York (“ARC”) to provide landscaping services to the Authority (the “Agreement”); and

WHEREAS, on November 10, 2021, the parties executed Amendment No. 1 to the Agreement reducing pricing of certain line items in the Agreement; and

WHEREAS, on April 7, 2022, the parties executed Amendment No. 2 to the Agreement extending the term of the Agreement to April 14, 2023; and

WHEREAS, in accordance with Paragraph 3.02 of the Agreement, the parties may amend the Agreement by written amendment authorized by resolution of the Authority’s Board of Commissioners (the “Board”); and

WHEREAS, NYSID has requested an increase in the unit prices set forth in the Agreement as a result of an increase by the State of New York in the Prevailing Wage Schedule applicable to this Agreement;

WHEREAS, the Authority’s 2022 O&M includes funds for this project under Unit 1020 Control Operations, Item No. 19 Payments to Contractors-Other; 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 and Unit 3070 Facilities, Item No. 19 Payment to Contractors-Other;

NOW, THEREFORE, BE IT RESOLVED:

That the Board of Commissioners approves amending the Agreement with NYSID and ARC by increasing the unit prices set forth in the Agreement as a result of an increase by the State of New York in the Prevailing Wage Schedule applicable to this Agreement; and be it further

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

Ayes:

Noes:

10/20/22-ah

ITEM 14 - 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:

Replace existing 5' hydrant at 85 Smith Drive, City of Lackawanna with a new 5' AVK hydrant on 3/24/22. Work done by ECWA forces under Work Authorization No. 107.200 7254.

Hydrant originally installed in 1960 was scrapped and retired under Retirement Authorization No. R220022.

Replace existing 5' hydrant at 79 Highview Circle, City of Lackawanna with a new 5' AVK hydrant on 3/23/22. Work done by ECWA forces under Work Authorization No. 107.200 7255.

Hydrant originally installed in 1969 was scrapped and retired under Retirement Authorization No. R220023.

Replace existing 7' hydrant at 8235 Clarherst Drive, Town of Clarence with a new 7' AVK hydrant on 4/11/22. Work done by ECWA forces under Work Authorization No. 107.200 7252.

Hydrant originally installed prior to 10/1/99 by the Town of Clarence was scrapped and retired under Retirement Authorization No. R220020.

Replace existing 5' hydrant at Berghorn Road, Town of Clarence with a new 5' AVK hydrant on 4/20/22. Work done by ECWA forces under Work Authorization No. 107.200 7249.

Hydrant originally installed prior to 10/1/99 by the Town of Clarence was scrapped and retired under Retirement Authorization No. R220018.

Replace existing 4" valve at Stevenson Boulevard at Maynard Drive, Town of Amherst with a new 4" resilient seat valve on 4/11/22. Work done by ECWA forces under Work Authorization No. 107.200 7250.

Valve originally installed in 1927 was scrapped and retired under Retirement Authorization No. R220019.

Installed a new 6" resilient seat valve at 2409 Union Road, Town of Cheektowaga on 3/18/22. Work done by ECWA forces under Work Authorization No. 107.200 7259.

Replace existing 5' hydrant at 5550 Strickler Road, Town of Clarence with a new 5' AVK hydrant on 6/10/22. Work done by ECWA forces under Work Authorization No. 107.200 7263.

Hydrant originally installed prior to 10/1/99 by the Town of Clarence was scrapped and retired under Retirement Authorization No. R220025.

Replace existing 5' hydrant at 5225 Harris Hill Road, Town of Clarence with a new 5' AVK hydrant on 6/6/22. Work done by ECWA forces under Work Authorization No. 107.200 7264.

Hydrant originally installed prior to 10/1/99 by the Town of Clarence was scrapped and retired under Retirement Authorization No. R220026.

Replace existing 5' hydrant at 8495 Main Street, Town of Clarence with a new 5' AVK hydrant on 6/1/22. Work done by ECWA forces under Work Authorization No. 107.200 7265.

Hydrant originally installed prior to 10/1/99 by the Town of Clarence was scrapped and retired under Retirement Authorization No. R220027.

Replace existing 6" valve at Lakewood Parkway and Northledge Drive, Town of Amherst with a new 6" resilient seat valve on 6/8/22. Work done by ECWA forces under Work Authorization No. 107.200 7261.

Valve originally installed in 1953 was scrapped and retired under Retirement Authorization No. R220024.

Replace existing 6" valve at Southwood Drive and Seneca Street, Town of West Seneca with a new 6" resilient seat valve on 5/17/22. Work done by ECWA forces under Work Authorization No. 107.200 7270.

Valve originally installed in 1951 was scrapped and retired under Retirement Authorization No. R220031.

Replace existing 5' hydrant at 9320 Martin Road, Town of Clarence with a new 5' AVK hydrant on 5/11/22. Work done by ECWA forces under Work Authorization No. 107.200 7267.

Hydrant originally installed prior to 10/1/99 by the Town of Clarence was scrapped and retired under Retirement Authorization No. R220028.

Replace existing 6" valve at 134 Chamberlin Drive, Town of West Seneca with a new 6" resilient seat valve on 5/9/22. Work done by ECWA forces under Work Authorization No. 107.200 7269.

Valve originally installed in 1931 was scrapped and retired under Retirement Authorization No. R220030.

Replace existing 5' hydrant at 532 Main Street, City of Tonawanda with a new 5' AVK hydrant on 5/4/22. Work done by ECWA forces under Work Authorization No. 107.200 7268.

Hydrant originally installed prior to 8/18/04 by the City of Tonawanda was scrapped and retired under Retirement Authorization No. R220029.

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:

10/20/22-pjg

**ITEM 15 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER
AUTHORITY'S ANNUAL O & M 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 operating & maintenance 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 Lavonya Lester, Director of Administration, additional funding is needed to cover expenses in unit 7615 Transportation Clearing, under Line Item 78 – Gas, Oil and Grease which are running considerably higher due to increased commodity costs; and

WHEREAS, in order to provide funding for this, funds will need to be re-allocated as follows:

<u>Unit No</u>	<u>Internal No:</u>	<u>Description</u>	<u>Increase</u>	<u>Decrease</u>
7615	78	Gas, Oil and Grease	<u>\$ 207,000</u>	
7615	2	Labor		\$ 62,000
7615	8	Fringe Benefits		32,000
7615	10	Materials and Supplies		6,000
7510	20	Miscellaneous		80,000
3070	1	Salaries		18,000
3070	8	Fringes		<u>9,000</u>
Totals			\$ 207,000	\$ 207,000;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority's annual O & M budget for the fiscal year 2022 be amended as listed above.

Ayes:
Noes:

**ITEM 16 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER
AUTHORITY'S ANNUAL O & M 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 operating & maintenance 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 Clayton Johnson, Production Engineer, additional funding is needed to cover expenses in unit 1020 Control, under Line Item 14 – Power Purchased, which are running considerably higher due to increased commodity costs; and

WHEREAS, in order to provide funding for this, funds will need to be re-allocated as follows:

<u>Unit No</u>	<u>Internal No:</u>	<u>Description</u>	<u>Increase</u>	<u>Decrease</u>
1020	14	Power Purchased	<u>\$ 1,000,000</u>	
1020	0	Supervision		\$ 105,000
1020	2	Labor		100,000
1020	8	Fringes		105,882
4040	2	Labor		280,000
4040	8	Fringes		115,000
7510	20	Miscellaneous		<u>294,118</u>
Totals			\$ 1,000,000	\$ 1,000,000;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority's annual O & M budget for the fiscal year 2022 be amended as listed above.

Ayes:

Noes:

**ITEM 17 - 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 Michael Quinn, Senior Distribution Engineer, additional funding is needed for various projects within the capital budget; and

WHEREAS, funds are available from budget item 101593; 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	\$ 950,000	
2590	101676	NC-044 Waterline Replacement	320,000	
2595	101414	GHD-011 Transmission Main Design	340,000	
3070	101334	Service Center Facilities Plan/Property Purchase	720,000	
2590	101593	WSA-017 Waterline Replacement		\$ 2,330,000
Totals			\$ 2,330,000	\$ 2,330,000;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority's annual capital budget for the fiscal year 2022 be amended as listed above.

Ayes:

Noes:

10/20/22-JAT:pjg

ITEM 18 - ADOPTION OF THE 2023 OPERATING & MAINTENANCE AND CAPITAL BUDGETS AND PARIS SUBMISSION

Motion by seconded by

WHEREAS, Karen A. Prendergast, Chief Financial Officer, Joyce A. Tomaka, Comptroller, and Steven V. D’Amico, Business Office Manager have reviewed the 2023 Operating & Maintenance and Capital Budgets (the “Budgets”) prepared by Erie County Water Authority (the “Authority”) department managers; and

WHEREAS, the Budgets were reviewed by the Board of Commissioners of the Authority (the “Board”) at a budget hearing on September 28, 2022; and

WHEREAS, the Budgets have been presented to and reviewed by Russell J. Stoll, Chief Operating Officer and Karen A. Prendergast, Chief Financial Officer who recommend its adoption;

WHEREAS, Public Authorities Law §2801(2), requires the Authority to send a certified copy of the resolution along with a copy of the adopted Budgets to the Chairperson of the Erie County Legislature; and

WHEREAS, Public Authorities Law §2801(2) further requires the Authority to submit annually to the Authorities Budget Office (the “ABO”) information on operations and capital setting forth actual results from the last completed year and estimated receipts and expenditures for the current and next four fiscal years; and

WHEREAS, the ABO has established the Public Authorities Reporting Information System (“PARIS”) to submit the Budget & Financial Plan no later than November 1, 2022;

NOW, THEREFORE, BE IT RESOLVED:

That the Board adopts the 2023 Operating & Maintenance and Capital Budgets, and be it further

RESOLVED, pursuant to Public Authorities Law §2801(2), the Secretary to the Authority is directed to send a certified copy of the resolution along with a copy of the adopted Budgets to the Chairperson of the Erie County Legislature; and be it further

RESOLVED, the Secretary to the Authority is directed to send a certified copy of this resolution along with a copy of the adopted Budgets to the New York State Environmental Facilities Corporation pursuant to the Project Finance Agreement for the Series 2003F Bonds; and be it further

RESOLVED, the Chief Financial Officer is directed to submit the 2023 Budget & Financial Plan to the ABO on PARIS; and be it further

RESOLVED, the Secretary to the Authority is directed to post the adopted budget on the Authority website

Ayes:

Noes:

10/20/22-KAP:pjg

ITEM 19 - JOYCE A. TOMAKA - APPOINTMENT AS CHIEF FINANCIAL OFFICER

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 Joyce A. Tomaka, be appointed to the position of Chief Financial Officer; said appointment being subject to the approval of the Erie County Personnel Office, and to be compensated under Salary Grade 37E, Step 1 with a salary of \$170,468.48 of the Authority's Career and Salary Plan, effective October 24, 2022; and be it further

RESOLVED: That the Board continues Joyce A. Tomaka's leave of absence from her permanent civil service position of Assistant Manager of Accounting Services while she serves as the Authority's Chief Financial Officer.

Ayes:

Noes:

10/20/22-pjf

ITEM 20 - AUTHORIZATION FOR SABRINA FIGLER, DIRECTOR OF WATER QUALITY AND JAMES FIGLER, SENIOR ANALYTICAL CHEMIST (WATER QUALITY) TO ATTEND THE AWWA WATER QUALITY TECHNOLOGY CONFERENCE IN CINCINNATI, OHIO

Motion by seconded by

WHEREAS, the Erie County Water Authority deems it advisable for Sabrina Figler, Director of Water Quality and James Figler, Senior Analytical Chemist (Water Quality) to attend the AWWA Water Quality Technology Conference in Cincinnati, Ohio at a total estimated cost of \$3,050.00; and

NOW, THEREFORE, BE IT RESOLVED:

That Sabrina Figler, Director of Water Quality and James Figler, Senior Analytical Chemist (Water Quality) are authorized to travel to Cincinnati, Ohio from November 13, 2022 to November 17, 2022 to attend the AWWA Water Quality Technology Conference at a total estimated cost of \$3,050.00.

Ayes:

Noes:

10/20/22-alh

**ITEM 21 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER
AUTHORITY DEBT MANAGEMENT POLICY**

Motion by seconded by

WHEREAS, Heretofore and on the 17th day of September, 2008 the Erie County Water Authority (the “Authority”) adopted a Debt Management Policy (the “Policy”) governing the issuance and management of Authority debt; and

WHEREAS, the Policy was last revised on December 15, 2016, to reflect changes to continuing disclosure and arbitrage requirements; and

WHEREAS, in consultation with the Authority’s financial advisor, Capital Markets Advisors, LLC, Karen A. Prendergast, CFO recommends revising the Debt Management Policy changing the Authority’s debt limit to a debt to capitalization ratio of no more than 25%; and

WHEREAS, this ratio aligns with the rating agencies methodology for debt analysis, and gives the Authority more debt capacity and measures total debt against net position plus debt; and

WHEREAS, on October 20, 2022, the Authority’s Finance Committee reviewed and recommended the adoption of the amended Policy to the Board of Commissioners;

NOW THEREFORE BE IT RESOLVED:

The Board adopts and amends the current Debt Management Policy as stated above.

Ayes:

Noes:

10/20/22-pjg

ITEM 22 - AUTHORIZATION TO ADOPT THE NEWLY REVISED EMPLOYEE POLICIES AND PROCEDURES MANUAL

Motion by seconded by

WHEREAS, on May 18, 1995, the Erie County Water Authority (the "Authority") adopted an Employee Policies and Procedures Manual; and

WHEREAS, on December 27, 2005, the Authority adopted a revised Employee Policy Policies and Procedures Manual (the "Manual"); and

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

WHEREAS, the Authority's Legal department conducted such a review by consulting and collaborating with individual Board members, Executive and Senior Staff members and other personnel; and

WHEREAS, as a result, the Legal department prepared a new Employee Policies and Procedures Manual replacing the current Manual; and

WHEREAS, on October 20, 2022, the Authority's Governance Committee reviewed and recommended the adoption of the new Employee Policies and Procedures Manual;

NOW THEREFORE BE IT RESOLVED:

The Board adopts the newly revised Employee Policies and Procedures Manual; and be it further

RESOLVED: The Board directs the Secretary to circulate the newly adopted Employee Policies and Procedures to all employees.

Ayes:

Noes:

10/20/22-pjg

ITEM 23 - AUTHORIZATION TO ADOPT AN ERIE COUNTY WATER AUTHORITY COVID-19 POLICIES AND PROCEDURES

Motion by seconded by

WHEREAS, the Erie County Water Authority (the “Authority”) is committed to providing a safe and healthy workplace for all employees; and

WHEREAS, the Human Resources department has developed a Covid-19 plan, which includes policies and procedures to minimize the risk of transmission of Covid-19; and

WHEREAS, on October 20, 2022 the Governance Committee of the Authority reviewed and recommended to the Board of Commissioners to adopt the Covid-19 Policies and Procedures; and

WHEREAS, it is in the best interest of the Authority to adopt the Covid-19 Policies and Procedures;

NOW THEREFORE BE IT RESOLVED:

That the Authority’s Board of Commissioners adopt the Covid-19 Policies and Procedures; and be it further

RESOLVED: The Board directs the Secretary to circulate the newly adopted Covid-19 Policies and Procedures to all employees.

Ayes:

Noes:

10/20/22-pjg