

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. 5814.39, PROJECT NO. 202200110

Motion by seconded by

WHEREAS, the New York State Department of Transportation proposes the construction, reconstruction, or improvement of PMI NY Route 240/277 (S.H. 1665, S.H. 272, S.H. 27, S.H. 66, S.H. 67, S.H. 9215; US Route 20A (S.H. 1586, S.H. 1066), BIN 1016060, 1016070, Town/Village of Orchard Park, Erie County, identified as PIN 5814.39; and

WHEREAS, the State will include as part of the construction, reconstruction, or improvement of the above-mentioned project the adjustment of valve box elevations and relocation of hydrants pursuant to Subdivision 24, Section 10 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 the adjustment of valve box elevations and relocation of hydrants 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 the Chairman 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 hereby directed to transmit four (4) certified copies of the foregoing resolution to the New York State Department of Transportation.

Ayes:

Noes:

1/19/23-alh

ITEM 2 - AUTHORIZATION TO EXECUTE AN ENTERPRISE AGREEMENT WITH MICROSOFT CORPORATION RELATIVE TO MICROSOFT OFFICE 365 AND MICROSOFT OFFICE PROFESSIONAL PLUS SOFTWARE

Motion by seconded by

WHEREAS, the Erie County Water Authority's (the "Authority") recently solicited quotes for licenses for the Microsoft Office suite of products, including Microsoft Office 365 and Microsoft Office Professional Plus (the "Software"); and

WHEREAS, Dell Corporation currently purchased the Software through the New York State Office of General Services Contract PS68202 (the "Contract"); and

WHEREAS, the Authority's IT department chose to piggyback off of the Contract with Dell Corporation Agreement to renew the Authority's Microsoft Office suite of products, including Microsoft Office 365 and Microsoft Office Professional Plus; and

WHEREAS, the Microsoft Corporation now requires that organizations renewing licenses sign an Enterprise Agreement every three years; and

WHEREAS, the Authority's 2022 O&M Budget included funds for this project under Unit 8525 Information Technology, Item No. 45 Software Licensing Expense;

NOW, THEREFORE, BE IT RESOLVED:

That the Board of Commissioners approve entering into an Enterprise Agreement for a three-year period with Microsoft Corporation as required; and be it further

RESOLVED: The Chair is authorized to execute the Enterprise Agreement on behalf of the Authority.

Ayes:

Noes:

ITEM 3 - AUTHORIZATION TO ENTER INTO A STATEMENT OF SERVICES WITH TOSHIBA AMERICA BUSINESS SOLUTIONS, INC. TO PROVIDE AN ENTERPRISE CONTENT MANAGEMENT SYSTEM, PROJECT NO. 202200249

Motion by seconded by

WHEREAS, on October 21, 2022, the Erie County Water Authority’s (the “Authority”) Board of Commissioners (the “Board”) approved entering into a Master Software and Services Agreement and a Statement of Services with Toshiba America Business Solutions, Inc. (“Toshiba”) to install a demonstration version of the DocuWare software (“software”) offered by Toshiba to ensure that all departments had the opportunity to fully evaluate the system; and

WHEREAS, David W. Aubertine, Director of Cybersecurity and Information Technology has assessed the system and recommends entering into a Statement of Services with Toshiba to provide an Enterprise Content Management System; and

WHEREAS, the Authority’s 2023 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 awarding a contract to Toshiba America Business Solutions, Inc. to provide an Enterprise Content Management System; and be it further

RESOLVED: That the Chair is authorized to execute a Statement of Services with Toshiba America Business Solutions, Inc. on behalf of the Authority.

Ayes:

Noes:

1/19/23-alh

ITEM 4 - AWARD OF CONTRACT TO RUSSO DEVELOPMENT, INC. FOR SMALL SERVICES CONTRACT AREA NO. 1, FEBRUARY 1, 2023 THROUGH JANUARY 31, 2025, PROJECT NO. 202300001 - \$2,516,200.00

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 22nd day of November 2022, a notice inviting sealed bids in accordance with Public Authorities Law §1069 for Small Services Contract Area No. 1, February 1, 2023 through January 31, 2025; and

WHEREAS, Authority personnel opened a sealed bid in the office of the Authority on the 15th day of December 2022, and was as follows:

BIDDER	AMOUNT
Russo Development, Inc.*	\$2,516,200.00

*Only bid received; and

WHEREAS, Michael J. Quinn, Distribution Engineer and Leonard F. Kowalski, Executive Engineer have reviewed the specification and bid and determined that Russo Development, 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, the Authority’s 2023 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 a 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, 2023 through January 31, 2025 as a unit price contract for the estimated total amount of \$2,516,200.00.

Ayes:

Noes:

1/19/23-alh

ITEM 5 - AWARD OF CONTRACT TO RUSSO DEVELOPMENT, INC. FOR SMALL SERVICES CONTRACT AREA NO. 2, FEBRUARY 1, 2023 THROUGH JANUARY 31, 2025, PROJECT NO. 202300002 - \$1,716,000.00

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 22nd day of November 2022, a notice inviting sealed bids in accordance with Public Authorities Law §1069 for Small Services Contract Area No. 2, February 1, 2023 through January 31, 2025; and

WHEREAS, Authority personnel opened a sealed bid in the office of the Authority on the 15th day of December 2022, and was as follows:

BIDDER	AMOUNT
Russo Development, Inc.*	\$1,716,000.00

*Only bid received; and

WHEREAS, Michael J. Quinn, Distribution Engineer and Leonard F. Kowalski, Executive Engineer have reviewed the specification and bid and determined that Russo Development, 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, the Authority’s 2023 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 a 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, 2023 through January 31, 2025 as a unit price contract for the estimated total amount of \$1,716,000.00.

Ayes:

Noes:

1/19/23-alh

**ITEM 8 - APPROVAL OF AMENDMENT NO. 1 TO THE CONTRACT WITH
FLATIRON CRANE OPERATING COMPANY, LLC D/B/A SIMMERS
CRANE DESIGN & SERVICES FOR THE OVERHEAD CRANE
INSPECTION, REPAIR & MAINTENANCE, PROJECT NO. 202000142,
CONTRACT NO. 21-07-02**

Motion by seconded by

WHEREAS, on February 4, 2021, the Erie County Water Authority's (the "Authority") Board of Commissioners (the "Board") approved entering into a contract with Pollock Research & Design, Inc. for the Overhead Crane Inspection, Repair & Maintenance for a two-year term, beginning February 4, 2021, Contract No. 21-07-02 (the "Contract"); and

WHEREAS, on December 17, 2021, Flatiron Crane Operating Company, LLC, (the "Contractor") purchased the assets including the Contract, of Pollack Research & Design, Inc.; and

WHEREAS, the Contract provides for services to be provided to the Authority, as described in the Contract, from February 4, 2021 through February 3, 2023; and

WHEREAS, in accordance with Article 6, Paragraph 6.01 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 under terms and conditions acceptable to the Authority; and

WHEREAS, in accordance with Article 4, Paragraph 4.02 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 Contractor has agreed to extend the term of the Contract until February 3, 2024, based on the same terms and conditions, including pricing as set forth in Article 3 of the Contract; and

WHEREAS, the Authority's 2023 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 and Unit 1020 Control Operations, Item No. 19 Payment to Contractors - Other;

NOW, THEREFORE, BE IT RESOLVED:

That Board approves amending the Contract with Flatiron Crane Operating Company, LLC. to extend the term of the Contract until February 3, 2024, based on the same terms and conditions, including pricing as set forth in Article 3 of the Contract; and be it further

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

Ayes:

Noes:

1/19/23-ah

**ITEM 10 - 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 321 Meadowlawn Road, Town of Cheektowaga with a new 5' AVK hydrant on 1/3/22. Work done by ECWA forces under Work Authorization No. 107.200 7295.

Hydrant originally installed in 1963 was scrapped and retired under Retirement Authorization No. R220047.

Replace existing 5' hydrant at 113 Rosemead Lane and Fairelm Lane, Town of Cheektowaga with a new 5' AVK hydrant on 3/4/22. Work done by ECWA forces under Work Authorization No. 107.200 7296.

Hydrant originally installed in 1962 was scrapped and retired under Retirement Authorization No. R220048.

Installed a new valve at 3211 East Church Street, Town of Eden on 4/7/22. Work done by ECWA forces under Work Authorization No. 107.200 7251.

Replace existing 6' hydrant at 6060 Transit Road, Village of Depew with a new 6' AVK hydrant on 6/2/22. Work done by ECWA forces under Work Authorization No. 107.200 7297.

Hydrant originally installed in 1960 was scrapped and retired under Retirement Authorization No. R220049.

Replace existing 6' hydrant at 8310 Clarnew Drive, Town of Clarence with a new 6' AVK hydrant on 6/15/22. Work done by ECWA forces under Work Authorization No. 107.200 7275.

Hydrant originally installed prior to 10/1/1999 was scrapped and retired under Retirement Authorization No. R220033.

Replace existing 4' hydrant at 119 Covington Drive, Town of West Seneca with a new 4' Kennedy K81 hydrant on 6/15/22. Work done by ECWA forces under Work Authorization No. 107.200 7274.

Hydrant originally installed in 2001 was scrapped and retired under Retirement Authorization No. R220032.

Replace existing 4' hydrant at South Park Avenue and Ridge Road, City of Lackawanna with a new 4' Kennedy K81 hydrant on 6/30/22. Work done by ECWA forces under Work Authorization No. 107.200 7276.

Hydrant originally installed in 2013 was scrapped and retired under Retirement Authorization No. R220034.

Replace existing 6' hydrant at 9300 Greiner Road, Town of Clarence with a new 6' AVK hydrant on 7/6/22. Work done by ECWA forces under Work Authorization No. 107.200 7277.

Hydrant originally installed prior to 10/1/1999 was scrapped and retired under Retirement Authorization No. R220035.

Replace existing 6" valve at 3169 Warwick Terrace, Town of Hamburg with a new 6" resilient seat valve on 7/15/22. Work done by ECWA forces under Work Authorization No. 107.200 7278.

Hydrant originally installed prior to 7/14/11 by the Town of Hamburg was scrapped and retired under Retirement Authorization No. R220036.

Replace existing 5' hydrant at 39 Francis Avenue, Village of Sloan with a new 5' AVK hydrant on 7/25/22. Work done by ECWA forces under Work Authorization No. 107.200 7279.

Hydrant originally installed in 1997 was scrapped and retired under Retirement Authorization No. R220037.

Replace existing 5' hydrant at Huth Road, Town of Cheektowaga with a new 5' AVK hydrant on 8/2/22. Work done by ECWA forces under Work Authorization No. 107.200 7280.

Hydrant originally installed on 4/17/1989 was scrapped and retired under Retirement Authorization No. R220038.

Replace existing 5' hydrant at 2801 Harlem Road, Town of Cheektowaga with a new 5' Clow hydrant on 8/4/22. Work done by ECWA forces under Work Authorization No. 107.200 7294.

Hydrant originally installed in 1981 was scrapped and retired under Retirement Authorization No. R220046.

Replace existing 5' hydrant at 106 Jackson Avenue, Village of Sloan with a new 5' AVK hydrant on 8/9/22. Work done by ECWA forces under Work Authorization No. 107.200 7281.

Hydrant originally installed in 1982 was scrapped and retired under Retirement Authorization No. R220039.

Replace existing 5' hydrant at 20 Constance Lane, Town of Cheektowaga with a new 5' AVK hydrant on 8/17/22. Work done by ECWA forces under Work Authorization No. 107.200 7286.

Hydrant originally installed in 1993 was scrapped and retired under Retirement Authorization No. R220041.

Replace existing 6" valve at Hamburg Turnpike and Odell Street, City of Lackawanna with a new 6" resilient seat valve on 8/17/22. Work done by ECWA forces under Work Authorization No. 107.200 7290.

Valve originally installed in 1914 was scrapped and retired under Retirement Authorization No. R220044.

Installed a new 8" resilient seat valve at 1025 Borden Road, Town of Cheektowaga on 8/31/22. Work done by ECWA forces under Work Authorization No. 107.200 7289.

Replace existing 6' hydrant at 8332 Clarence Lane North, Town of Clarence with a new 6' AVK hydrant on 9/20/22. Work done by ECWA forces under Work Authorization No. 107.200 7288.

Hydrant originally installed prior to 10/1/1999 by the Town of Clarence was scrapped and retired under Retirement Authorization No. R220043.

Replace existing 5' hydrant at 525 Washington Highway, Town of Amherst with a new 5' AVK hydrant on 9/21/22. Work done by ECWA forces under Work Authorization No. 107.200 7287.

Hydrant originally installed in 1974 was scrapped and retired under Retirement Authorization No. R220042.

Replace existing 16" valve at Dean Road and Buffalo Depew Boulevard, Village of Depew with a new 16" butterfly valve on 9/22/22. Work done by ECWA forces under Work Authorization No. 107.200 7291.

Valve originally installed in 1949 was scrapped and retired under Retirement Authorization No. R220045.

Replace existing 7' hydrant at 1157 Wehrle Drive, Town of Amherst with a new 7' AVK hydrant on 9/29/22. Work done by ECWA forces under Work Authorization No. 107.200 7285.

Hydrant originally installed in 1988 was scrapped and retired under Retirement Authorization No. R220040.

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:

1/19/23-alh

**ITEM 11 - 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 Michael Wymer, Senior Production Engineer, additional funding is needed to cover various expenses in the Production Department which are running considerably higher due to increased commodity and chemical 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>
1010	13	Chemicals	\$ 105,000	
1010	14	Power Purchased	945,000	
1010	22	Light and Heat	20,000	
1015	13	Chemicals	25,000	
1015	14	Power Purchased	147,000	
1015	22	Light and Heat	50,000	
1020	14	Power Purchased	8,000	
1020	22	Light and Heat	<u>50,000</u>	
2010	02	Labor		\$ 350,000
2010	08	Fringe Benefits		175,000
2030	02	Labor		500,000
2030	08	Fringe benefits		250,000
3203	02	Labor		<u>75,000</u>
		Totals	<u>\$ 1,350,000</u>	<u>\$ 1,350,000;</u>

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:

01/19/23-SVD:pjf

ITEM 12 - RESOLUTION RECOGNIZING THE SUCCESS OF THE LOW-INCOME HOUSEHOLD WATER ASSISTANCE PROGRAM AND APPROVAL TO EXECUTE LETTER OF SUPPORT FOR THE CONTINUATION OF THE PROGRAM

Motion by seconded by

WHEREAS, the New York State Office of Temporary and Disability Assistance (OTDA) administers a Low-Income Household Water Assistance Program (the “Program”) established through the Consolidated Appropriations Act of 2021, and the American Rescue Plan Act of 2021; and

WHEREAS, New York State uses these funds to assist low-income households, particularly those with the lowest incomes that pay a high proportion of household income for drinking water and wastewater services; and

WHEREAS, on November 24, 2021, the Erie County Water Authority’s (the “Authority”) Board of Commissioners (the “Board”) approved participating in the Program and executed a Vendor Agreement to do so; and

WHEREAS, since participating in the Program, the Authority has had great success to help more than 900 low-income households to pay their water bills; and

WHEREAS, due to the success and importance of the Program, the Board respectfully asks the State Legislature to continue to authorize and fund the OTDA Program and encourages other water authorities and water works corporations to participate;

NOW, THEREFORE, BE IT RESOLVED:

That, by this resolution, the Board of Commissioners of the Erie County Water Authority recognizes the importance of the Program to its ratepayers as a means of providing low-income households assistance to pay their water bills; and be further

RESOLVED: That this Board respectfully requests that the state continue to authorize and fund assistance for low-income households by continuing the Low-Income Household Water Assistance Program; and be it further

RESOLVED: That the Chair is authorized to execute a Letter of Support to the Western New York Legislative Delegation and the Governor and encouraging other water purveyors and elected leaders to support the New York State Office of Temporary Disability Assistance Low-Income Household Water Assistance Program.

Ayes:

Noes:

ITEM 13 - COMPENSATION FOR INCLEMENT WEATHER DAY

Motion by seconded by

WHEREAS, on Tuesday, December 27, 2022 and Wednesday, December 28, 2022 severe blizzard conditions in Erie County resulted in many Erie County Water Authority (the “Authority”) employees reporting absent because of their inability to report to their place of work; and

WHEREAS, Policy Number 28 of the Employees Policy & Procedures Manual states that the Secretary to the Authority (the “Secretary”) may designate an inclement weather day; and

WHEREAS, because of the severity of the storm, the Secretary, on behalf of the Authority, as well as many other public agencies has deemed it advisable to declare these dates inclement weather days; and

WHEREAS, in recognition of the employees who were able to report to their job location, the Authority feels it advisable to grant one additional personal leave day to those full-time employees who were scheduled and reported to work on December 27, 2022; and

WHEREAS, in recognition of the employees who were able to report to their job location, the Authority feels it advisable to grant one additional personal leave day to those full-time employees who were scheduled and reported to work on December 28, 2022; and

WHEREAS, in order to not penalize the employees who were absent from their scheduled shift on December 27, 2022 due to the severe weather, those full-time employees will be granted and charged one personal leave day; and

WHEREAS, in order to not penalize the employees who were absent from their scheduled shift on December 28, 2022 due to the severe weather, those full-time employees will be granted and charged one personal leave day;

NOW, THEREFORE, BE IT RESOLVED:

Pursuant to Policy Number 28 of the Employees Policy & Procedures Manual, Tuesday, December 27, 2022, and Wednesday, December 28, 2022 were declared inclement weather days; and be it further

RESOLVED: the CFO of the Authority (“CFO”) is authorized to grant one additional personal leave day to those full-time employees scheduled and reported to work on December 27, 2022; and be it further

RESOLVED: the CFO is authorized to grant one additional personal leave day to those full-time employees scheduled and reported to work on December 28, 2022; and be it further

RESOLVED: the CFO is authorized to grant and charge one personal day to the full-time employees absent from their scheduled shift on December 27, 2022, due to the severe weather; and be it further 8

RESOLVED: the CFO is authorized to grant and charge one personal leave day to the full-time employees absent from their scheduled shift on December 28, 2022, due to the severe weather.

Ayes:

Noes:

01/19/23-pjg