

ITEM 1 - AUTHORIZATION TO ENTER INTO TWO SEPARATE LICENSE AGREEMENTS WITH NORFOLK SOUTHERN RAILWAY COMPANY RELATING TO CONTRACT NO. GP-010 TRANSMISSION SYSTEM IMPROVEMENTS IN THE TOWNS OF HAMBURG AND WEST SENECA AND CITY OF LACKAWANNA, NEW YORK, PROJECT NO. 202100035

Motion by _____ seconded by _____

WHEREAS, on March 4, 2021, the Erie County Water Authority (the “Authority”) awarded a Professional Services Contract to Greenman Pedersen, Inc. to render consulting engineering services relative to Transmission Mains in the Towns of Hamburg and West Seneca and City of Lackawanna, New York, identified as Contract No. GP-010; and

WHEREAS, the project in part includes the replacement of a 24” and a 12” watermain along Abbott Road beneath a Norfolk Southern Railway Company (“Norfolk Southern”) railroad bridge; and

WHEREAS, in order to construct the improvements as well as to operate and maintain the mains following completion of the project, the Authority must execute a License Agreement for the replacement of a 24” watermain along Abbott Road and a License Agreement for the replacement of a 12” watermain along Abbott Road (the “Agreements”) with Norfolk Southern; and

WHEREAS, Harris Beach PLLC, consultants, and the Authority’s Legal and Engineering departments have negotiated the terms of these Agreements and recommend approving and executing the Agreements; and

WHEREAS, the Authority is required to pay the associated Risk Finance fee of \$1,900 for each agreement which covers the required Railroad Protective Liability coverage as the Authority’s current insurance policies do not include this type of coverage; and

WHEREAS, the Authority’s 2023 Capital Budget includes funds under Unit 2595 Eng/Const Transmissions Mains, Item 101599 GP-010, Trans Main Replacement; and

NOW, THEREFORE, BE IT RESOLVED:

That the Board of Commissioners approves entering into a License Agreement for the replacement of a 24” watermain along Abbott Road and a License Agreement for the replacement of a 12” watermain along Abbott Road relating to Contract No. GP-010; and be it further

RESOLVED, that the Chairman is authorized to execute the Agreements on behalf of the Authority; and be it further

RESOLVED: that the Comptroller is authorized to pay the Risk Finance fee of \$3,800.00; and be it further

RESOLVED, that the Secretary is authorized to forward an executed copy of both Agreements together with a certified copy of this resolution to Norfolk Southern Railway Company.

Ayes:

Noes:

ITEM 2 - APPROVAL OF CHANGE ORDER NO. 1 TO THE CONTRACT WITH CUMMINGS-WAGNER SIEWERT, LLC RELATING TO CONTRACT NO. MP-090-P03, VALVES AND ACTUATORS PROCUREMENT STURGEON POINT WATER TREATMENT PLANT FILTRATION PIPING, VALVE, AND UNDERDRAIN SYSTEM IMPROVEMENTS, PROJECT NO. 202200014, IDENTIFIED AS CONTRACT NO. 22-42-10 - (\$5,176.00)

Motion by seconded by

WHEREAS, on the 18th day of August 2022, the Erie County Water Authority's (the "Authority") Board of Commissioners approved a resolution to enter into a Contract with Cummings-Wagner Siewert, LLC (the "Contractor") for Contract No. MP-090-P03, Valves and Actuators Procurement Sturgeon Point Water Treatment Plant Filtration Piping, Valve, and Underdrain System Improvements, identified as Contract No. 22-42-10; and

WHEREAS, the Contractor has submitted Change Order No. 1 in the lump sum credit of \$5,176.00 to provide for a deletion of two (2) 18-inch motorized valve actuators and the addition of one (1) 8-inch manually actuated butterfly valve; and

WHEREAS, the reasons for the changes are because two valve actuators changed from motorized to manual at the 100% design phase and one manually operated butterfly valve was added at the 100% design phase;

WHEREAS, the additional valve was recommended by the Authority's consulting engineer, Arcadis of New York, Inc., and is included in the 100% design documents for general construction; and

WHEREAS, Arcadis, Michael Wymer, Senior Production Engineer and Leonard Kowalski, Executive Engineer recommend approval of Change Order No. 1; and

WHEREAS, the Authority's 2023 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 Change Order No. 1 to the Contract with Cummings-Wagner Siewert, LLC in the lump sum credit of \$5,176.00 to provide for the abovementioned change be approved; and be it further

RESOLVED: That the Chairman is authorized to execute said Change Order No. 1 on behalf of the Authority; and be it further

RESOLVED: That the Secretary of the Authority is authorized to forward an executed copy of the Change Order together with a certified copy of this resolution to Cummings-Wagner Siewert, LLC.

Ayes:

Noes:

ITEM 3 - APPROVAL OF CHANGE ORDER NO. 1 TO THE CONTRACT WITH KOESTER ASSOCIATES, INC. FOR CONTRACT NO. MP-090-P07, RATE OF FLOW CONTROLLERS PROCUREMENT STURGEON POINT WATER TREATMENT PLANT FILTRATION PIPING, VALVE, AND UNDERDRAIN SYSTEMS IMPROVEMENTS, PROJECT NO. 202200014, IDENTIFIED AS CONTRACT NO. 22-40-09 - (\$4,500.00)

Motion by seconded by

WHEREAS, on the 18th day of August 2022, the Erie County Water Authority's (the "Authority") Board of Commissioners (the "Board") approved a resolution to enter into a Contract with Koester Associates, Inc. (the "Contractor") for Contract No. MP-090-P07, Rate of Flow Controllers Procurement Sturgeon Point Water Treatment Plant Filtration Piping, Valve, and Underdrain System Improvements, identified as Contract No. 22-40-09; and

WHEREAS, the Contractor has submitted Change Order No. 1 in the lump sum credit of \$4,500.00 to provide for a deletion of one (1) 8-inch flow meter; and

WHEREAS, the reason for said change is because this particular flow meter is not required at this time and will be included in the construction contract; and

WHEREAS, the deletion of this flowmeter was recommended by the Authority's consulting engineer, Arcadis of New York, Inc., and is removed from the 100% design documents for general construction; and

WHEREAS, Arcadis, Michael Wymer, Senior Production Engineer and Leonard Kowalski, Executive Engineer recommend approval of Change Order No. 1; and

WHEREAS, the Authority's 2023 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 Change Order No. 1 to the Contract with Cummings-Wagner Siewert, LLC relative to Contract No. MP-090-P07 in the lump sum credit of \$4,500.00 be approved; and be it further

RESOLVED: That the Chairman is authorized to execute said Change Order No. 1 on behalf of the Authority and be it further

RESOLVED: That the Secretary of the Authority is authorized to forward an executed copy of the Change Order together with a certified copy of this resolution to Koester Associates, Inc.

Ayes:

Noes:

2/16/23-alh

ITEM 4 - APPROVAL OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH ARCADIS OF NEW YORK, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES FOR MISCELLANEOUS ELECTRICAL ENGINEERING SERVICES 2021-2023, IDENTIFIED AS CONTRACT NO. MP-087, PROJECT NO. 202100024

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 Professional Services Agreement with Arcadis of New York, Inc. to Provide Consulting Engineering Services for Miscellaneous Electrical Engineering Services 2021-2023, identified as Contract No. MP-087, (the “Agreement”); and

WHEREAS, the Agreement provides for consulting engineering services related to miscellaneous design and construction related services for electrical improvements at Authority facilities from February 18, 2021 through February 17, 2023; and

WHEREAS, in accordance with Article 5, Paragraph 5.01 of the Agreement, the parties may extend the term of the Agreement for one additional one (1) year term, at the sole discretion of the Authority, at mutually agreed upon terms; and

WHEREAS, in accordance with Article 3, Paragraph 3.02 of the Agreement, any modification or variation from the terms of the Agreement must be in writing, authorized by a resolution of the Board and signed by all parties; and

WHEREAS, the Contractor has agreed to extend the term of the Agreement until February 17, 2024, based on the same terms and conditions, including payment as set forth in Article 2 of the Agreement; and

WHEREAS, the Authority’s 2023 O&M Budget includes funds for this project under Unit 1010 Sturgeon Point Plant, Item No. 17 Payments to Contractors – Elect., Unit 1015 Van de Water Plant, Item No. 17 Payments to Contractors – Elect., and Unit 1020 Control Operations, Item No. 17 Payment to Contractors – Elect.;

NOW, THEREFORE, BE IT RESOLVED:

That Board approves amending the Agreement with Arcadis of New York, Inc., to extend the term of the Agreement until February 17, 2024, based on the same terms and conditions, including pricing as set forth in Article 3 of the Agreement; and be it further

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

Ayes:
Noes:

2/16/23-alh

ITEM 5 - APPROVAL OF AMENDMENT NO. 1 TO THE CONTRACT WITH CARUS LLC FOR THE FURNISHING AND DELIVERING OF POTASSIUM PERMANGANATE TO THE ERIE COUNTY WATER AUTHORITY FOR THE USE IN THE TREATMENT OF WATER FOR ONE YEAR, PROJECT NO. 202200016, CONTRACT NO. 22-13-04

Motion by seconded by

WHEREAS, on April 7, 2022, the Erie County Water Authority’s (the “Authority”) Board of Commissioners (the “Board”) approved entering into a contract with Carus LLC for the Furnishing and Delivering of Potassium Permanganate to the Erie County Water Authority for the Use in the Treatment of Water for one year (the “Contract”), Contract No. 22-13-04; and

WHEREAS, the Contract, executed on April 7, 2022 provides for potassium permanganate to be delivered to the Authority, as ordered, from April 7, 2022 through April 6, 2023; and

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

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

WHEREAS, Carus LLC has agreed to extend the Contract until April 6, 2024 based on the same terms and conditions, including pricing of \$5,240.00/ton, as set forth in Article 4 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. 13 Chemicals and Unit 1015 Van de Water Plant, Item No. 13 Chemicals;

NOW, THEREFORE, BE IT RESOLVED:

That Board approves amending the Contract with Carus LLC to extend the term of the Contract until April 6, 2024, based on the same terms and conditions, including pricing of \$5,240.00/ton, as set forth in Article 4 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:

2/16/23-alh

ITEM 6 - AUTHORIZATION FOR RUSSELL STOLL, EXECUTIVE DIRECTOR, LEONARD KOWALSKI, EXECUTIVE ENGINEER, SABRINA FIGLER, DIRECTOR OF WATER QUALITY, MICHAEL QUINN, SENIOR DISTRIBUTION ENGINEER, MICHAEL WYMER, SENIOR PRODUCTION ENGINEER, CLAYTON JOHNSON, PRODUCTION ENGINEER, SCOTT KLUBEK, PUMP MECHANIC CREW CHIEF AND RYAN MCKERNAN, LABORATORY TECHNICIAN (ENVIRONMENTAL CHEMISTRY) TO ATTEND THE 2023 NYSAWWA ANNUAL CONFERENCE (WATER EVENT) IN SARATOGA SPRINGS, NEW YORK

Motion by seconded by

WHEREAS, the Erie County Water Authority deems it advisable for Russell Stoll, Executive Director, Leonard Kowalski, Executive Engineer, Sabrina Figler, Director of Water Quality, Michael Quinn, Senior Distribution Engineer, Michael Wymer, Senior Production Engineer, Clayton Johnson, Production Engineer, Scott Klubek, Pump Mechanic Crew Chief and Ryan McKernan, Laboratory Technician (Environmental Chemistry) to attend the NYSAWWA Annual Conference (Water Event) in Saratoga Springs, New York at a total estimated cost of \$9,000.00;

NOW, THEREFORE, BE IT RESOLVED:

That Russell Stoll, Chief Operating Officer, Leonard Kowalski, Executive Engineer, Sabrina Figler, Director of Water Quality, Michael Quinn, Senior Distribution Engineer, Michael Wymer, Senior Production Engineer, Clayton Johnson, Production Engineer, Scott Klubek, Pump Mechanic Crew Chief and Ryan McKernan, Laboratory Technician (Environmental Chemistry) are authorized to travel to Saratoga Springs, New York from April 10, 2023 to April 13, 2023 to attend the NYSAWWA Annual Conference (Water Event) at a total estimated cost of \$9,000.00.

Ayes:
Noes:

02/16/23-alh

ITEM 7 - AUTHORIZATION FOR THE ERIE COUNTY WATER AUTHORITY TO OFFER A \$50 BILL CREDIT TO CUSTOMERS WHO PARTICIPATE IN A LEAD AND COPPER SAMPLING PROGRAM

Motion by _____ seconded by _____

WHEREAS, the New York State Department of Health has been evaluating all large public water systems to ensure they are meeting existing regulatory requirements under the Lead and Copper Rule (the “LCR”); and

WHEREAS, as a result of this evaluation, effective January 1, 2023, the Authority’s water system is required to return to standard monitoring for lead and copper as well as for water quality parameters which require samples be collected during each six-month monitoring period, in accordance with 5-1.42(b) and 5-1.43(b), respectively; and

WHEREAS, in order to raise the number of customers who participate in the Sampling Program, it is recommended that the Authority offer a \$50 bill credit to customers who partake in the Sampling Program and will continue until the Board of Commissioners (the “Board”) decides otherwise; and

WHEREAS, the credit will only be granted to those who participate in and complete the Sampling Program; and

NOW, THEREFORE, BE IT RESOLVED:

That the Board approves offering a \$50 bill credit to customers who partake in the Sampling Program and will continue until the Board decides otherwise; and be it further

RESOLVED: the credit will only be granted to those who participate in and complete the Sampling Program.

Ayes:

Noes:

02/16/23-pjg