

ITEM 1 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH LABELLA ASSOCIATES TO PROVIDE PROFESSIONAL CONSULTING SERVICES FOR NEW OPERATIONS CENTER, IDENTIFIED AS CONTRACT NO. LA-007, PROJECT NO. 202300077

Motion by seconded by

WHEREAS, the Erie County Water Authority (the "Authority") recently issued a Request for Proposals (the "RFP") to qualified firms to provide Professional Consulting Services for a New Operations Center; and

WHEREAS, A copy of the RFP was sent to:

Bergmann
Carmina-Wood
Canon Design
Hunt EAS
Labella Associates
Trautman
Young & Wright; and

WHEREAS, an additional five firms obtained the RFP through the Authority's website: CPL, Wm. Schutt Associates, EI Team, Kideney Architects, and RDHA; and

WHEREAS, the respondents to the RFP were: Carmina Wood, CPL, EI Team, Hunt EAS, Labella Associates, Trautman, and Young & Wright ; 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 Labella Associates was the best firm suited for this project; and

WHEREAS, the review committee recommends that the Authority enter into a Professional Services Agreement with Labella Associates to provide Consulting Engineering Services for New Operations Center, identified as Contract No. LA-007; and

WHEREAS, the Authority's 2023 Capital Budget includes funds for this project under Unit 3070 Facilities, Item No. 101334 Comprehensive Facilities Plan;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority accepts the proposal of LaBella Associates to provide Professional Consulting Services for New Operations Center, identified as Contract No. LA-007; 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 LaBella Associates.

Ayes:

Noes:

04/20/23 alh

ITEM 2 - AUTHORIZATION TO ACCEPT THE PROPOSAL OF CHILD AND FAMILY SERVICES OF ERIE COUNTY TO PROVIDE EMPLOYEE ASSISTANCE PROGRAM SERVICES, PROJECT NO. 202300075, IDENTIFIED AS CONTRACT NO. CFS-003

Motion by seconded by

WHEREAS, the Erie County Water Authority (the "Authority") recently issued a Request for Proposals (the "RFP") to qualified firms to provide Employee Assistance Program Services; and

WHEREAS, a copy of the RFP was sent to:

Child and Family Services
Employee Resources Inc.
eviCore EAP; and

WHEREAS, Child and Family Services ("C&FS") was the only respondent to the RFP; 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, C&FS is the Authority's current provider for the Employee Assistance Program in which the Authority is very pleased with their services; and

WHEREAS, after the proposal was reviewed and discussed among the review committee, it was determined that it is in the best interest of the Authority to enter into a Professional Services Agreement with C&FS to provide an Employee Assistance Program; and

WHEREAS, the Authority's 2023 O&M Budget includes funds for this project under Unit 8010 Human Resources, Item No. 20 Miscellaneous;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority accepts the proposal of Child and Family Services to provide Employee Assistance Program Services, identified as Contract No. CFS-003; 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 hereby authorized to execute said agreement on behalf of the Authority; and be it further

RESOLVED: That the Secretary is hereby authorized to forward a certified copy of this resolution to Child and Family Services.

Ayes:

Noes:

04/20/23-alh

ITEM 3 - AWARD OF CONTRACT TO KANDEY COMPANY, INC. FOR WATER DISTRIBUTION SYSTEM REPLACEMENTS AND IMPROVEMENTS CONTRACT, PROJECT NO. 202300009 - \$3,936,930.00

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 21st day of February 2023, a notice inviting sealed bids in accordance with Public Authorities Law §1069 for Water Distribution System Replacements and Improvements Contract; and

WHEREAS, Authority personnel opened a sealed bid in the office of the Authority on the 23rd day of March 2023, and was as follows:

BIDDERS	AMOUNT
Kandey Company, Inc.*	\$3,936,930.00

*Only bid received; and

WHEREAS, Michael J. Quinn, Sr. Distribution Engineer and Leonard F. Kowalski, Executive Engineer have reviewed the specification and bid and determined that Kandey Company, Inc. 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 2023 Capital Budget includes funds for this project under Unit 2090 Distribution Mains Item No. 100586 Miscellaneous Distribution Mains;

NOW, THEREFORE, BE IT RESOLVED:

That Authority awards the contract to Kandey Company, Inc. as a responsible bidder for the abovementioned project, and be it further

RESOLVED: that the Chair is authorized to execute a contract with Kandey Company, Inc. for Water Distribution System Replacements and Improvements Contract as a unit price contract for the estimated total amount of \$3,936,930.00.

Ayes:

Noes:

04/20/23-alh

ITEM 4 - AWARD OF CONTRACT TO JCI JONES CHEMICALS, INC. FOR THE FURNISHING AND DELIVERING OF LIQUID CHLORINE IN ONE TON CONTAINERS TO THE ERIE COUNTY WATER AUTHORITY FOR USE IN THE TREATMENT OF WATER FOR FOUR MONTHS, PROJECT NO. 202300040 - \$448,500.00

Motion by seconded by

WHEREAS, the Erie County Water Authority (the “Authority”) advertised in Construction Exchange on the 6th day of March 2023, a notice inviting sealed bids in accordance with Public Authorities Law §1069 for the furnishing and delivering of Liquid Chlorine in One Ton Containers to the Erie County Water Authority for Use in the Treatment of Water for Four Months; and

WHEREAS, Sealed bids or proposals were opened in the office of the Authority on the 28th day of March 2023 and was as follows:

BIDDER	AMOUNT
Alexander Chemical Corporation	\$ 389,850.00
JCI Jones Chemicals, Inc.	448,500.00; and

WHEREAS, Michael W. Wymer, Sr. Production Engineer and Leonard F. Kowalski, Executive Engineer have reviewed the specification and bid and determined that the apparent low bidder, Alexander Chemical Corporation, does not provide a product conforming to the Authority’s specification; and

WHEREAS, due to the above, Michael W. Wymer, Sr. Production Engineer and Leonard F. Kowalski, Executive Engineer recommend that the bid submitted by Alexander Chemical Corporation be rejected as non-responsive; and

WHEREAS, Michael W. Wymer, Sr. Production Engineer and Leonard F. Kowalski, Executive Engineer have reviewed the specification and bid and determined that JCI Jones Chemicals, Inc. is the lowest responsive bidder and have recommended that a 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 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 the Authority deem the bid non-responsive that was submitted by Alexander Chemical Corporation for the Furnishing and Delivering of Liquid Chlorine in One Ton Containers to the Erie County Water Authority for Use in the Treatment of Water for Four Months in accordance with the terms and conditions stated in Paragraph 9 of the Instructions to Bidders Section of the specification and contract documents; and be it further

RESOVLED: that it is hereby determined that JCI Jones Chemicals, Inc. is the lowest responsive bidder for the Furnishing and Delivering of Liquid Chlorine in One Ton Containers to the Erie County Water Authority for Use in the Treatment of Water for Four Months and that the Chairman is authorized to execute a contract with JCI Jones Chemicals, Inc. as a unit price contract for the estimated total amount of \$448,500.00; and be it further

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

Ayes:

Noes:

04/20/23-alh

ITEM 5 - AWARD OF CONTRACT TO NEW FRONTIER EXCAVATING & PAVING, INC. FOR WATER SYSTEM IMPROVEMENTS TOWNS OF HAMBURG, CHEEKTOWAGA, AND WEST SENECA AND VILLAGE OF DEPEW, IDENTIFIED AS CONTRACT NO. JMD-001, PROJECT NO. 202100200 - \$5,010,999.00

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 13th day of February 2023, a notice inviting sealed bids in accordance with Public Authorities Law §1069 for Water System Improvements Towns of Hamburg, Cheektowaga, and West Seneca and Village of Depew, identified as Contract No. JMD-001; and

WHEREAS, Authority personnel opened sealed bids in the office of the Authority on the 9th day of March 2023, and were as follows:

BIDDERS	AMOUNT
New Frontier Excavating & Paving, Inc.	\$5,010,999.00
716 Site Contracting, Inc.	6,148,750.00; and

WHEREAS, JM Davidson Engineering, D.P.C., Consulting Engineers, Michael J. Quinn, Senior Distribution Engineer and Leonard F. Kowalski, Executive Engineer have reviewed the specifications and bids and determined that New Frontier Excavating & Paving, 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 2023 Capital Budget includes funds for this project under Unit 2590 Eng/Const Distribution Mains, Item No. 101596 JMD-001 Waterline Replacement;

NOW, THEREFORE, BE IT RESOLVED:

That Authority awards the contract to New Frontier Excavating & Paving, 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 New Frontier Excavating & Paving, Inc. for Water System Improvements Towns of Hamburg, Cheektowaga, and West Seneca and Village of Depew, identified as Contract No. JMD-001, as a unit price contract for the estimated total amount of \$5,010,999.00; 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 6 - AWARD OF CONTRACT TO U&S SERVICES, LLC. FOR THE FURNISHING AND DELIVERING OF FOUR VARIABLE FREQUENCY DRIVES FOR RAW WATER PUMPS AT VAN DE WATER WATER TREATMENT PLANT RAW WATER PUMP STATION, PROJECT NO. 202300006 - \$106,283.12

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 23rd day of January 2023, a notice inviting sealed bids in accordance with Public Authorities Law §1069 for the Furnishing and Delivering of Four Variable Frequency Drives for Raw Water Pumps at Van de Water Water Treatment Plant Raw Water Pump Station; and

WHEREAS, Sealed bids or proposals were opened in the office of the Authority on the 21st day of February 2023 and were as follows:

BIDDERS	AMOUNT
Motion Industries, Inc. (d/b/a Motion Ai)	\$ 87,520.00
U&S Services, LLC	106,283.12*
Vital Crane Services, Inc.	115,556.00

*Corrected Bid Amount; and

WHEREAS, Michael W. Wymer, Sr. Production Engineer and Leonard F. Kowalski, Executive Engineer have reviewed the bids and have determined that the apparent low bidder, Motion Industries, Inc. (d/b/a Motion Ai), does not provide a product conforming to the Authority’s specification; and

WHEREAS, due to the above, Michael W. Wymer, Sr. Production Engineer and Leonard F. Kowalski, Executive Engineer recommend that the bid submitted by Motion Industries, Inc. (d/b/a Motion Ai) be rejected as non-responsive; and

WHEREAS, Michael W. Wymer, Sr. Production Engineer and Leonard F. Kowalski, Executive Engineer have reviewed the specifications and bids and determined that U&S Services, LLC is the lowest responsive bidder and have recommended that a contract be awarded to that firm for the abovementioned project; and

WHEREAS, the Authority’s 2023 Capital Budget includes funds for this project under Unit 1025 Instrumentation, Item No. 101686 VDW Raw Water VFD Upgrade;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority deem the bid non-responsive that was submitted on February 21, 2023, by Motion Industries, Inc. (d/b/a Motion Ai) for the Furnishing and Delivering of Four Variable Frequency Drives for Raw Water Pumps at Van de Water Water Treatment Plant Raw Water Pump Station in accordance with the terms and conditions stated in Paragraph 9 of the Instructions to Bidders Section of the specification and contract documents; and be it further

RESOLVED: that it is determined that U&S Services, LLC is the lowest responsive bidder for the Furnishing and Delivering of Four Variable Frequency Drives for Raw Water Pumps at Van de Water Water Treatment Plant Raw Water Pump Station and that the Chairman is authorized to execute a contract with U&S Services, LLC as a unit price contract for the estimated total amount of \$106,283.12; and be it further

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

Ayes:

Noes:

04/20/23-alh

Ayes:
Noes:

4/20/23-ah

ITEM 8 - APPROVAL OF AMENDMENT NO. 4 TO THE PROFESSIONAL SERVICES AGREEMENT WITH NEW YORK STATE INDUSTRIES FOR THE DISABLED 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 (“NYSID”) and the Erie County Chapter NYSARC, Inc. d/b/a the ARC Erie County New York (“ARC”) for Landscaping, Ground Improvements and Maintenance of Properties of the Erie County Water 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, on November 17, 2022, the parties executed Amendment No. 3 to the Agreement increasing the unit prices set forth in the Agreement as a result of an increase in the Prevailing Wage Schedule applicable to this Agreement; and

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

WHEREAS, the parties wish to extend the Agreement for an additional one-year period from April 15, 2023 through April 14, 2024; and

WHEREAS, the Authority has requested a reduction in the estimated units for grounds maintenance for this additional one-year period; and

WHEREAS, the Authority’s 2023 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 approves amending the Professional Services Contract with NYSID and ARC by extending the Agreement for an additional one-year period from April 15, 2023 through April 14, 2024 and reducing the estimated units for grounds maintenance for this additional one-year period; and be it further

RESOLVED: That the Chairman is hereby authorized to execute Amendment No. 4 on behalf of the Authority.

Ayes:

Noes:

04/20/23-alh

ITEM 9 - APPROVAL OF AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH CHA CONSULTING, INC. FOR CONTRACT NO. CH-013, TRANSMISSION MAIN, TOWN OF AMHERST, NEW YORK (CONTRACT B2), PROJECT NO. 202000073

Motion by seconded by

WHEREAS, on February 13, 2020, the Erie County Water Authority (the "Authority") and CHA Consulting, Inc. (the "Engineer") entered into a professional services contract for engineering and consulting services relating to the replacement of an existing large diameter waterline paralleling the I-290 from the south side of Main Street to the south side of Wehrle Drive in the Town of Amherst (the "Contract"); and

WHEREAS, on November 19, 2020, the Authority authorized Amendment No. 1 to the Contract to amend the scope of services to additionally replace an existing waterline at the northwest interchange of I-90 and NYS Route 33 on and off ramps in the Town of Cheektowaga and to reduce the lump sum survey fee by \$9,300 and increase the lump sum design fee by \$9,300; and

WHEREAS, during the design phase of the project, the Engineer provided additional survey and design work as a result of requests made by the Authority and the New York State Department of Transportation; and

WHEREAS, the Engineer has requested additional compensation of \$25,201.00 for the additional services provided to the Authority; and

WHEREAS, the Russell J. Stoll, COO and Leonard F. Kowalski, Executive Engineer recommend that the Authority amend the Contract by increasing the compensation to the Engineer by \$25,201.00; 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 and signed by all parties; and

WHEREAS, due to the fact that this project was placed on hold, funds were not included in the 2023 ECWA budget for this amendment and completion of the final design, therefore, the budget item must be reestablished and funds transferred to an account for this expense;

NOW, THEREFORE, BE IT RESOLVED:

That the Board of Commissioners of the Authority approve amending the Contract by increasing the compensation to the Engineer by \$25,201.00 for additional services provided to the Authority; and

RESOLVED: That the Chairman is hereby authorized to execute said Amendment No. 2 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 CHA Consulting, Inc.

Ayes:
Noes:

04/20/23-ah

**ITEM 10 - AUTHORIZATION FOR DAVID AUBERTINE, DIRECTOR OF
CYBERSECURITY AND INFORMATION TECHNOLOGY TO ATTEND
THE AWWA ACE CONFERENCE IN TORONTO, CANADA**

Motion by seconded by

WHEREAS, the Erie County Water Authority deems it advisable for David Aubertine, Director of Cybersecurity and Information Technology to attend the AWWA ACE Conference in Toronto, Canada at a total estimated cost of \$2,416.50;

NOW, THEREFORE, BE IT RESOLVED:

That David Aubertine, Director of Cybersecurity and Information Technology is authorized to travel to Toronto, Canada from July 11, 2023 to July 13, 2023 to attend the AWWA ACE Conference at a total estimated cost of \$2,416.50.

Ayes:

Noes:

04/20/23-alh

**ITEM 11 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER
AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2023**

Motion by seconded by

WHEREAS, in a resolution dated October 20, 2022, the Erie County Water Authority (the "Authority") adopted its annual capital budget for the fiscal year 2023; 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, funding is needed for budget item 101532; 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>
2595	101532	CH-013 Transmission Main Replacement	<u>\$ 30,000</u>	
2595	110362	W-030 Transmission Main Replacement		<u>\$ 30,000</u>
Totals			\$ 30,000	\$ 30,000;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority's annual capital budget for the fiscal year 2023 be amended as listed above.

Ayes:

Noes:

04/20/23-SVD:pjg

**ITEM 12 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER
AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2023**

Motion by seconded by

WHEREAS, in a resolution dated October 20, 2022, the Erie County Water Authority (the "Authority") adopted its annual capital budget for the fiscal year 2023; 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, funding is needed for capital budget item 101677; 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>
1020	101677	Pump Station Pump Replacement	<u>\$ 40,000</u>	
1020	101713	Pump Station Chlorine Boosting		<u>\$ 40,000</u>
Totals			\$ 40,000	\$ 40,000;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority's annual capital budget for the fiscal year 2023 be amended as listed above.

Ayes:

Noes:

04/20/23-SVD:pjg

ITEM 13 - CREATION OF TWO POSITIONS OF COMPUTER OPERATORS

Motion by seconded by

WHEREAS, Pursuant to Article V, Title 3, Section 1053 of the Public Authorities Law, the Erie County Water Authority (“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 qualifications, 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 Count 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 the Erie County Water Authority does hereby create two positions of Computer Operator, Salary Grade 8 at a starting salary of \$53,483.04 of the Authority’s Career and Salary Plan, effective April 20, 2023; and be it further

RESOLVED: On April 13, 2023 the Erie County Department of Personnel reviewed and approved the above creations.

Ayes:

Noes:

04/20/23-alh

ITEM 14 - CREATION OF ONE POSITION OF MESSENGER

Motion by seconded by

WHEREAS, Pursuant to Article V, Title 3, Section 1053 of the Public Authorities Law, the Erie County Water Authority (“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 qualifications, 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 Count 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 the Erie County Water Authority does hereby create one position of Messenger, Salary Grade 1 at a starting salary of \$47,738.08 of the Authority’s Career and Salary Plan, effective April 20, 2023; and be it further

RESOLVED: On April 13, 2023, the Erie County Department of Personnel reviewed and approved the above creations.

Ayes:

Noes:

04/20/23-alh

ITEM 15 - STURGEON POINT WATER TREATMENT PLANT IMPROVEMENT PROJECT PURSUANT TO THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT

WHEREAS, the Erie County Water Authority (“ECWA”) is proposing to complete the design and construction of several on-site improvements and upgrades within the approximately 133-acre Sturgeon Water Treatment Plant site located at 722 Sturgeon Point Road in the Town of Derby, County of Erie (the “Sturgeon WTP Site”) including the construction of a replacement/redundant washwater tank to facilitate rehabilitation of the existing elevated backwash water tank and to provide a redundant backwash system; filter underdrain replacement; backwash system improvements including the addition of air scour to improve backwash efficacy and system reliability and resiliency; replacement of filter valves to provide improved reliability; filter-to-waste system improvements to provide an air gap for the system and greater FTW capacity; sodium bisulfate feed improvements; installation of new dehumidification equipment and improvements to the HVAC system; construction of an above-ground chemical storage building with a subsurface containment area; upgrades to the existing substation servicing the Sturgeon WTP Site; and installation of new electrical equipment and improvements to the existing system to provide enhanced power resiliency for the main control building (collectively referred to hereinafter as the “Project”); and

WHEREAS, ECWA has reviewed the Project in light of the requirements set forth in the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law and the applicable regulations promulgated thereto at 6 NYCRR Part 617 (collectively referred to as “SEQRA”); and

WHEREAS, on December 19, 2022, ECWA distributed by email its written intent to function as Lead Agency and sent copies of Part 1 of the Full Environmental Assessment Form (“EAF”) along with the attachments prepared for the Project to all of the involved agencies for the purpose of conducting a coordinated review of the Project pursuant to SEQRA; and

WHEREAS, ECWA has considered the potential impacts on the environment of the Project as set forth in more detail below by undertaking a thorough review of the conditions associated with construction and development of the Project, including the completion of Parts 1, 2 and 3 of the EAF; and

WHEREAS, ECWA resolves based upon the information contained in Parts 1, 2 and 3 of the EAF as completed for the Project by ECWA’s consultants, which ECWA hereby adopts as its own after review and analysis of same, as well as based on the review ECWA has completed of the EAF Mapper for the Sturgeon WTP Site where the Project work is to be performed and the documents associated with the Project, ECWA has determined that the Project will not result in a potential significant adverse impact to the environment for the reasons set forth below in this resolution.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Project is classified as an Unlisted Action as that term is defined by 6 N.Y.C.R.R. § 617.2(al) of the SEQRA regulations.
2. Each of the Whereas Clauses in this Resolution are incorporated by reference as specific findings of this Resolution and shall have the same effect as the other findings herein.
3. ECWA has considered the significance of the potential adverse environmental impacts of the Project by: (i) carefully reviewing and examining the responses to the EAF, including the information in the completed Parts 1, 2 and 3, which ECWA hereby adopts and incorporates by reference with the enactment of this Resolution, together with examining other available supporting information and documents including the Project plans, as well as reviewing the EAF Mapper results at the Site where Project work will be completed and assessing the potential impacts from the Project to land, stormwater and groundwater, wetlands, other water resources, agriculture, historic, archaeological and other recognized and/or protected resources, threatened or endangered plant and animal species, transportation, traffic, community character and cumulative impacts, if any, and other potential impacts as required, and considered each of the other potential impacts as required by applicable regulation; (ii) considered the criteria set forth in 6 NYCRR § 617.7(c) of the SEQRA regulations in light of such potential impacts; and (iii) thoroughly analyzed the identified areas of relevant environmental concern in issuing this Negative Declaration, and finds that the Project will not result in a potential significant adverse impact on the environment for the following reasons:

Impacts to Community Character and Land:

The Project will not have a significant adverse impact on land since the location associated with the Project, including where replacement and upgrades work will occur on the Sturgeon WTP Site, will take place on property that has for a significant period of time been developed and utilized for water treatment purposes by ECWA. The Project is an expansion of the existing facility located at the Sturgeon WTP Site but is not an expansion of the property. All work will be conducted within the Sturgeon WTP Site's boundaries and will not encroach on adjacent or neighboring properties. Moreover, there is no change in land use proposed. Lastly, the Sturgeon WTP Site is located within the NYS Heritage Area called the West Erie Canal Corridor. All Project work will be confined within the boundaries of the Sturgeon WTP Site and will therefore not impact the West Erie Canal Corridor.

Water/Stormwater Impacts:

The Project will not have a significant potential adverse environmental impact on water, wetlands, surface water, stormwater, and/or a protected water body.

Two (2) stream features (Stream S1 and S2) and wetland complexes are located within and/or adjoin the Sturgeon WTP Site which are subject to New York State Department of Environmental Conservation (NYSDEC) and U.S. Army Corps of Engineers (USACE) jurisdiction. The vast majority of the Project work will avoid these streams and wetland complexes. A storm sewer pipe is proposed to connect the Blower Building roof drains to Stream S1, a washwater tank overflow channel will drain to Stream S1, and a riprap outlet for

the WTP will be installed. These improvements will have minimum impacts, if any, to the streams and wetlands, and will be subject to NYSDEC, USACE, and New York State Department of State requirements.

Further, NYSDEC Phase II Stormwater Regulations adopted pursuant to the New York State Pollutant Discharge Elimination Permit program (“SPDES”) requires approval of stormwater management system designs for projects having an overall disturbance area greater than one (1) acre. To the extent any of the Project work will result in site disturbance greater than one (1) acre, and as otherwise appropriate, ECWA shall file and seek coverage under the NYSDEC General SPDES permit program. As a result, stormwater Best Management Practices will be implemented to protect the streams, wetlands and 500-foot buffer areas located around these surface water resources from impacts associated with runoff from Project activities.

Lastly, the Project will not alter drainage flow or patterns, or surface water runoff as any work on the Sturgeon WTP Site and features added will follow the current flow patterns previously established.

Air Quality Impacts:

The Project will not result in any significant adverse impact to air quality. Any new stationary emission sources associated with the operations after completion of the Project will be registered with the NYSDEC and, as necessary, the existing air facility permit will be modified to include any stationary sources. No new air registrations or permits are associated with the Project. ECWA therefore finds there will be no substantive adverse impacts to air quality from the Project, including from construction activities.

Impacts to Plants and Animals:

The Project will not result in a significant adverse impact on plants or animals. Given the nature of the work to be completed in constructing the Project, no significant adverse impact from same is anticipated, nor from operation of the Project as the Sturgeon WTP Site will continue to function as it has previously. Further, no impacts from construction of the Project are anticipated in light of the fact that other similar work on the Sturgeon WTP Site has taken place in the past without any documented significant adverse impact.

Impacts on Agricultural Resources:

The Project will not result in a significant adverse impact on agricultural resources since the Sturgeon WTP Site is not located on, or adjacent to, agricultural lands.

Impacts of Aesthetic Resources:

The Project will not have a significant adverse impact on aesthetic resources. The proposed replacements and upgrades associated with the Project are consistent with the current use of the Sturgeon WTP Site, and as a result, it is not anticipated that the Project will have any significant adverse impact to aesthetic resources, including to the areas in proximity to where Project work will be undertaken.

Impacts to Historic and Archeological Resources:

The Project will not result in a significant adverse impact to historic or archaeological resources. Pursuant to a February 3, 2023 correspondence ECWA received from the New York State Parks, Recreation and Historic Preservation, there are no historic properties or historical and/or archeological resources located on or in proximity to the Sturgeon WTP Site. As a result, ECWA finds there will be no significant adverse impact to any recognized historic or archeological resources.

Impacts on Open Space and Recreation:

The Project will not have a potential significant adverse impact on existing open space and recreation. As the Project contemplates work consistent with continued use of the Sturgeon WTP Site for water treatment, no potential significant adverse impact to open space and recreation will occur.

Impacts on Critical Environmental Areas:

The Project will not have a significant adverse impact on any Critical Environmental Area as designated pursuant to 6 N.Y.C.R.R. § 617.14(g) of the SEQRA regulations.

Impacts on Transportation (Traffic):

The Project will not have a significant adverse impact on transportation or existing traffic patterns and flow. Based on the scope of the Project, ECWA further determines there will be no significant adverse impact to transportation resulting from construction activities associated with the Project.

Impacts on Energy:

The Project will not have a potential significant adverse impact on energy and/or energy use. The scope of the Project includes the completion of upgrades to the existing substation servicing the Sturgeon WTP Site to manage any increased electrical needs.

Impacts Related to Noise, Odor and Light:

The Project will not have a significant adverse impact resulting from objectionable noise or on odor or light. The Town of Evans Noise Ordinance prohibits construction activities between the hours of 10:00 p.m. and 7:00 a.m. except in the case of emergencies. Construction activities associated with the Project will occur 7:00 am to 4:00 pm, Monday through Friday, only, with no construction activities occurring in evenings or on weekends and holidays. ECWA standards for noise reduction require that contractors' vehicles and equipment shall be such as to minimize noise to the maximum extent practicable. Noise levels shall conform with OSHA standards; noise levels will not be permitted which interfere with the work of others.

Further, once construction is complete, the Project is not anticipated to have any material impact on odors or light significantly different from current activities at the Sturgeon WTP Site.

Impacts on Public Safety:

The Project will not have a significant adverse impact on public health or safety. An above ground chemical storage building with a containment area below will be constructed pursuant to applicable NYSDEC requirements. No solid or hazardous wastes are anticipated to be generated or disposed of due to the upgraded operations of the Sturgeon WTP Site.

Impacts on Local Utilities:

No significant adverse impact is expected on local utilities from the Project, including to such utilities after the Project becomes operational, as no issue has been identified as to the capacity of such local utilities to provide services to the Project. The scope of the Project includes the completion of upgrades to the existing substation servicing the Sturgeon WTP Site to manage any increased electrical needs.

4. Based on the foregoing, and after a thorough and comprehensive review of the Parts 1, 2, and 3 of the EAF, the EAF Mapper results, and the other documents and information concerning the Project, ECWA finds that the Project will not have a potential significant adverse impact on the environment in accordance with the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law and, in particular, pursuant to the criteria set forth at 6 N.Y.C.R.R. § 617.7(b) of the SEQRA regulations. After conducting a coordinated review pursuant to SEQRA, ECWA therefore issues a Negative Declaration for the Project pursuant to 6 N.Y.C.R.R. § 617.7.
5. The Negative Declaration, which this Resolution constitutes, shall be filed and/or published to the extent required by the SEQRA regulations and/or as ECWA may deem advisable.
6. This Resolution has been prepared in accordance with Article 8 of the New York Environmental Conservation Law and the regulations promulgated thereto at 6 N.Y.C.R.R. Part 617 by the Erie County Water Authority with offices located at 3030 Union Road, Cheektowaga, New York 14227-1097.
7. The Executive Engineer of ECWA is authorized to file this Negative Declaration, as necessary, in accordance with the applicable provisions of the law.

8. This resolution shall take effect immediately.

Ayes:

Noes:

04/20/23-HARRIS BEACH:pjg

ITEM 16 - APPROVAL OF A LEAVE OF ABSENCE FOR DAVID IAFALLO

Motion by seconded by

WHEREAS, the Erie County Water Authority (the "Authority") is subject to the Rules for the Classified Civil Service of the County of Erie (the "County Rules"), pursuant to Public Authorities Law § 1053(3) and Civil Service Law § 20; and

WHEREAS, Rule XVIII, Subdivision 2, provides, "A leave of absence without pay, not to exceed one year, may be granted to an employee by an appointing officer;" and

WHEREAS, Policy No. 61.0 determines the "appointing officer" to be the "Members of the Authority," and states, "The ultimate decision as to whether or not the leave without pay will be granted rests with the Members of the Authority;" and

WHEREAS, subdivision 2 of the Rule XVIII gives the Members of the Authority complete discretion to grant an unpaid leave for a one-year period with only a notice being sent to the County Personnel Director; and

WHEREAS, subdivisions 3 and 5 of the Rule XVIII give the sole discretion to the County Personnel Director to extend such a leave of absence for a period of more than one year; and

WHEREAS, on April 3, 2023, the Authority appointed David Iafallo to the position of Coordinator of Employee Relations (Safety Officer); and

WHEREAS, Mr. Iafallo has requested a leave of absence from his permanent position of Line Maintenance Operator while he continues to serve the Authority as Coordinator of Employee Relations (Safety Officer);

NOW, THEREFORE, BE IT RESOLVED:

David Iafallo is granted a leave of absence from his permanent position of Line Maintenance Operator while he continues to serve the Authority as Coordinator of Employee Relations (Safety Officer).

Ayes:

Noes:

04/20/23-alh

ITEM 17 - APPROVAL OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH CORPORATE SCREENING & INVESTIGATIVE GROUP, LLC TO RENDER PRE-EMPLOYMENT BACKGROUND INVESTIGATION SERVICES AND NATIONAL COMPREHENSIVE REPORTS, IDENTIFIED AS CONTRACT NO. CSI-001, PROJECT NO. 202200018

Motion by _____ seconded by _____

WHEREAS, on the 20th day of January 2022 the Erie County Water Authority's (the "Authority") Board of Commissioners (the "Board") approved a resolution to enter into a Professional Services Agreement with Corporate Screening & Investigative Group, LLC (the "Consultant") to render Pre-Employment Background Investigation Services and National Comprehensive Reports, identified as Contract No. CSI-001 (the "Agreement"); and

WHEREAS, based on the recommendation of the Authority's Secretary and in order to better protect the interests of the Authority, the Authority seeks to engage the Consultant in additional consulting services; and

WHEREAS, in accordance with Article 3, § 3.02 of the Agreement, no modification or variation from the terms of the Agreement shall be effective unless it is in writing and authorized by a resolution of the Board and signed by all parties; and

WHEREAS, the Authority's 2023 O&M Budget includes funds for this project under Unit 6000 Secretary to the Authority, Item No. 19 Payments to the Contractors – Other;

NOW, THEREFORE, BE IT RESOLVED:

That the Board approves amending the Agreement to include additional consulting and security services as requested by the Authority; and be it further

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

RESOLVED: That the Secretary of the Authority is authorized to forward an executed copy of the Amendment together with a certified copy of this resolution to Corporate Screening & Investigative Group, LLC.

Ayes:

Noes:

04/20/23-alh