

ITEM 1 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH E3 COMMUNICATIONS TO PROVIDE PUBLIC RELATIONS SERVICES, PROJECT NO. 202300148

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 Public Relations Services; and

WHEREAS, A copy of the RFP was sent to:

19 Ideas
Carolyn Human Communications LLC
e3 Communications
Farrow Communications
KC Public Relations
Kirkpatrick Group
Momentum – The Business Growth Agency
Pantano & Associates
Crowley Webb
Eric Mower & Associates; and

WHEREAS, the RFP was also posted on the Authority's website which resulted in two additional responses; and

WHEREAS, the respondents to the RFP were: e3 Communications, The Parkside Group, and ZE Creative Communications; 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 e3 Communications was best suited to the Authority's needs; and

WHEREAS, the review committee recommends that the Authority enter into a Professional Services Agreement with e3 Communications to provide Public Relations Services; and

WHEREAS, the Authority's 2023 O&M Budget includes funds for this project under Unit 6030 Public Information, Item No. 60 Special Services;

NOW, THEREFORE, BE IT RESOLVED:

That the Board of Commissioners accepts the proposal of e3 Communications to provide Public Relations Services; 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 e3 Communications.

Ayes:

Noes:

07/20/23-alh

**ITEM 2 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES
“PIGGYBACK” AGREEMENT WITH AUCTIONS INTERNATIONAL, INC.
FOR SALE OF ASSETS BY ONLINE AUCTION, PROJECT NO. 202100134**

Motion by seconded by

WHEREAS, pursuant to New York State General Municipal Law §103, subdivision (3), any officer, board or agency of a political subdivision or of any district therein authorized to make purchases of materials, equipment or supplies, or to contract for services, may make such purchases, or may contract for services, other than services subject to article nine of the labor law, when available, through the county in which the political subdivision or district is located or through any county within the state; and

WHEREAS, on June 10, 2021, the Erie County Water Authority (the “Authority”) Board of Commissioners approved a resolution to enter into an Online Auction Agreement (the “Agreement”) with Auctions International, Inc. (the “Auctioneer”) to provide online auction services, which has since expired; and

WHEREAS, the Agreement was based on a piggyback off of a contract issued by the County of Saratoga, New York (the “County”) pursuant to NYS General Municipal Law §103; and

WHEREAS, the County contract has been rebid and awarded a professional service contract to the Auctioneer to conduct online auctions of surplus County goods, equipment, and other personal property (the “Saratoga Contract”); and

WHEREAS, the Auctioneer agreed in its proposal, made part of the Saratoga Contract, to provide contract services from the resulting award to each participating governmental entity located in the State of New York; and

WHEREAS, Lavonya Lester, Director of Administration advises that the facilities unit is satisfied with the service, customer costs and results provided by the Auctioneer, and therefore, recommends piggybacking off the Saratoga Contract and enter into a Professional Services “Piggyback” Agreement with the Auctioneer for Sale of Assets by Online Auction;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority enters into a Professional Services “Piggyback” Agreement with Auctions International, Inc. for Sale of Assets by Online Auction; and be it further

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

RESOLVED: That the Secretary is authorized to forward a certified copy of this resolution to Auctions International, Inc.

Ayes:

Noes:

ITEM 3 - AUTHORIZATION TO EXECUTE A SETTLEMENT AGREEMENT AND GENERAL RELEASE IN CONNECTION WITH A ONE-TIME COURTESY REVERSAL OF DELINQUENT CHARGES FOR COUNTRY MEADOWS CONDOMINIUM AND COUNTRY MEADOW VILLAS - \$12,441.56

Motion by _____ seconded by _____

WHEREAS, Paragraph 9.11 of the Erie County Water Authority’s Tariff (the “Tariff”) permits the Erie County Water Authority (the “Authority”) to provide a customer with a one time courtesy delinquent charge reversal; and

WHEREAS, a dispute arose between Country Meadows Condominium (“CMC”) and Country Meadow Villas (“CMV”) regarding payment of the Authority’s water charges due to an ambiguity in the property management agreement between CMC and CMV; and

WHEREAS, as a result of the dispute, CMC and CMV collectively owe the Authority past payment for water in the amount of \$118,410.19 and several months of nonpayment late fees in the amount of \$12,441.56 through May 19, 2023; and

WHEREAS, after negotiations between CMC and CMV, a settlement agreement was proposed for apportionment of the past payment for water, as well as for future payments for water; and

WHEREAS, the Authority demanded past payment of \$118,410.19 from CMV and CMC for past payment and under the proposed settlement agreement, CMV agreed to furnish \$108,176.76 and CMC agreed to furnish \$10,233.43, making payment owed current to May 19, 2023; and

WHEREAS, under the proposed settlement agreement, CMV and CMC have requested a one time courtesy delinquent charge reversal for the nonpayment late fees in the amount of \$12,441.56; and

WHEREAS, on June 26, 2023, CMC and CMV sent payment of the past water charges totaling \$118,410.19, and the Authority is holding such payment in abeyance pending approval of the proposed settlement agreement; and

WHEREAS, the Legal Department recommends that the Authority approve and enter into the proposed settlement agreement with CMC and CMV and that the Authority grant the courtesy delinquent charge reversal requested by CMC and CMV;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority grant the one time courtesy delinquent charge reversal to Country Meadows Condominium and County Meadow Villas; and be it further

RESOLVED: That the Comptroller is hereby authorized and directed to adjust the account of the abovementioned customer; and be it further

RESOLVED: That the Chairman is hereby authorized to execute the Settlement Agreement and General Release on behalf of the Authority; and be it further

RESOLVED: That the Secretary is hereby authorized to forward the Settlement Agreement and General Release to Country Meadows Condominium and County Meadow Villas.

Ayes:

Noes:

07/20/23-KAG:alh

ITEM 4 - AUTHORIZATION TO ACCEPT THE CONSTRUCTION AND INSTALLATION OF 731 LINEAR FEET OF EIGHT (8") INCH PVC (C-900), 16 LINEAR FEET OF SIX (6") INCH DIP (CL 53), TWO (2) HYDRANTS, TWO (2) VALVES AND APPURTENANCES IN DEER SPRINGS SUBDIVISION PART 3, PHASE 3, TOWN OF HAMBURG, NEW YORK, EC NO. 7260, PROJECT NO. 202200068

Motion by _____ seconded by _____

WHEREAS, the Erie County Water Authority (the "Authority") entered into a Main Extension Agreement (Builder-Contractor-Developer) with Marrano/Marc-Equity Corporation and On Track Construction relative to Deer Springs Subdivision Part 3, Phase 3, Town of Hamburg, New York, identified by Work Authorization No. 7246; and

WHEREAS, the Bill of Sale, dated May 23, 2023, and the Schedule of Inventory, dated February 28, 2023, have been approved by Leonard F. Kowalski, Executive Engineer and the construction and installation of 731 linear feet of eight (8") inch PVC (C-900), 16 linear feet of six (6") inch DIP (CL 53), two (2) hydrants, two (2) valves and appurtenances have been installed in accordance with the specifications of the Authority; and

WHEREAS, the Division of Environmental Health of the Health Department of the County of Erie has approved the completed works for public water supply improvement for Deer Springs Subdivision Part 3, Phase 3, Town of Hamburg, New York; and

WHEREAS, Jessica Brown, Comptroller has reviewed the costs of the main and hydrants and finds them reasonable and correct; and

WHEREAS, Leonard Kowalski, Executive Engineer recommends approval and acceptance of said main and hydrants;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority's Board of Commissioners accepts the construction and installation of 731 linear feet of eight (8") inch PVC (C-900), 16 linear feet of six (6") inch DIP (CL 53), two (2) hydrants, two (2) valves and appurtenances and said mains, valves and hydrants be added to the property records of the Authority.

Ayes:

Noes:

07/20/23-alh

ITEM 5 - AUTHORIZATION TO ENTER INTO MEMORANDUM OF UNDERSTANDING WITH THE VILLAGE BOARD OF THE VILLAGE OF HAMBURG, PROJECT NO. 201500037

Motion by seconded by

WHEREAS, the Village Board of the Village of Hamburg (the "Village") has created a Water District (the "District") and is the owner of certain property and facilities used for the sale and distribution of water to customers in said District; and

WHEREAS, pursuant to a Lease Management Agreement dated March 20, 1997, and amended on August 28, 1997 (the "LMA"), the District is leased and managed by the Erie County Water Authority (the "Authority"), which obligates the Authority to make non-capital repairs to the District's property and facilities; and

WHEREAS, under the LMA, the Village retains the obligation to pay for capital improvements and to undertake periodic upgrades of water lines and other facilities at the Authority's request; and

WHEREAS, the Village has determined that it would be in the best interests of its residents and businesses to convey the property and facilities of the District (the "System") to the Authority in consideration of the Authority providing direct service to the District's water customers; and

WHEREAS, the Authority's Board of Commissioners and the Village's Board have approved and authorized the execution of a Memorandum of Understanding, effective on July 18, 2019, contemplating the sale and conveyance of the System to the Authority; and

WHEREAS, the Authority and the Village agree that this Memorandum of Understanding incorporates the previous Memorandum of Understanding, effective on July 18, 2019, unless otherwise stated in this Memorandum of Understanding; and

WHEREAS, prior to conveying the property and facilities of the System, the Village agrees to make a number of improvements to bring the System up to the standards required by the Authority before the Authority will agree to enter into a direct service agreement; and

WHEREAS, the Authority and the Village agree that this Memorandum of Understanding extends the Village's time to complete all steps necessary to authorize the transfer of the System to the Authority by three years from the Effective Date of this Agreement, or until July 19, 2026; and

WHEREAS, the Authority and the Village further agree that this date may be further extended due to extenuating circumstances and upon the mutual agreement of both parties;

NOW, THEREFORE, BE IT RESOLVED:

That the Chairman is hereby authorized to execute the Memorandum of Understanding and to offer same to the Village for its review and approval; and be it further

RESOLVED: That the Secretary is hereby directed to forward to the Village a certified copy of this resolution, along with two original versions of the Memorandum of Understanding, signed by the Chairman; and be it further

RESOLVED: That the Secretary shall record the date of the Memorandum of Understanding as of the date of approval by the Village and shall request the Village to provide the Authority with a certified copy of the resolution passed by the Village Board authorizing the execution of the Memorandum of Understanding.

Ayes:

Noes:

07/20/23:alh

ITEM 6 - AUTHORIZATION TO ENTER INTO A RIGHT OF ENTRY AGREEMENT WITH THE TOWN OF TONAWANDA, NEW YORK RELATING TO CONTRACT NO. MP-084, PROJECT NO. 202000084

Motion by and seconded by

WHEREAS, the Erie County Water Authority (the “Authority”) is undertaking the construction of a new transmission main in the Town of Tonawanda, New York (the “Town”) under Contract No. MP-084; and

WHEREAS, in order to complete the construction of the main, a portion of Town-owned land, 20 Pirson Parkway in the Town of Tonawanda, will be used for temporary access and staging for the above-referenced construction; and

WHEREAS, the Town has requested that the Authority and any consultants/ subconsultants execute a Right of Entry Agreement (the “Agreement”) prior to permitting access to the property; and

WHEREAS, the Right of Entry Agreement will commence on May 15, 2023 and expire on October 31, 2023; and

WHEREAS, the Authority’s Legal and Engineering departments have reviewed the terms of this Agreement and are collectively recommending that the Board of Commissioners (the “Board”) approve entering into the Agreement with the Town; and

WHEREAS, there is no cost associated with this Agreement;

NOW, THEREFORE, BE IT RESOLVED:

That the Board approves entering into an Agreement with the Town to allow the Authority the right of entry upon a portion of certain Town-owned land commonly known as 20 Pirson Parkway in the Town of Tonawanda, New York; and be it further

RESOLVED: That the Chairman is authorized to execute said 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 the Town.

Ayes:

Noes:

07/20/23-alh

ITEM 7 - LEAD SERVICE LINE REPLACEMENT PROJECT FOR THE CITIES OF TONAWANDA AND LACKAWANNA, NEW YORK, TOWN OF AMHERST, NEW YORK, AND VILLAGES OF LANCASTER, DEPEW, BLASDELL AND HAMBURG, NEW YORK PURSUANT TO THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT

WHEREAS, the Erie County Water Authority (“ECWA”) is proposing to complete the removal and replacement of up to 50 known lead service lines with cooper piping located within the Cities of Tonawanda and Lackawanna, New York, the Town of Amherst New York, and the Villages of Lancaster, Depew, Blasdell and Hamburg, New York utilizing push/pull and/or open cut excavation construction and installation processes of copper piping to be installed within the same location or immediately adjacent to the current locations of the existing lead service lines (the “Project”); and

WHEREAS, the ECWA will applying for grant funding for the Project from the New York State Environmental Facilities Corporation under the Water Infrastructure Improvements Grants (WIIA) program; and

WHEREAS, ECWA has reviewed the Project considering 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, 6 NYCRR §617.5 under SEQRA provides that certain actions identified in subdivision (c) of that section are Type II actions and not subject to environmental review under SEQRA and that such activities include “replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site” (§617.5(c)(2)), and “maintenance or repair involving no substantial changes in an existing structure or facility” (§617.5(c)(1)); and

WHEREAS, the proposed Project involves such replacement, rehabilitation, or reconstruction activities, and/or maintenance or repair activities;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Project is classified as Type II action, and therefore deemed to have no significant adverse impact and it is not subject to review under SEQRA.
2. The requirements of SEQRA have been met for the Project.
3. This resolution is effective immediately and each of the Whereas clauses in this resolution shall have the same force and affect as each of the other provisions of this resolution.

Ayes:

Noes:

ITEM 8 - AUTHORIZATION TO SUBMIT THE NEW YORK STATE WATER INFRASTRUCTURE IMPROVEMENT ACT (WIIA) GRANT PACKAGE TO THE NEW YORK STATE DEPARTMENT OF HEALTH ENVIRONMENTAL FACILITIES CORPORATION RELATIVE TO LEAD SERVICE LINE REPLACEMENTS, IDENTIFIED AS CONTRACT NO. MP-091, PROJECT NO. 202200135

Motion by _____ seconded by _____

WHEREAS, the New York State Department of Health Environmental Facilities Corporation (“NYSEFC”) provides grants to assist public authorities in funding water quality infrastructure projects that protect or improve water quality and/or protect public health; and

WHEREAS, the Erie County Water Authority (the “Authority”) is eligible to apply for grant funding through the NYSEFC under the New York State Water Infrastructure Improvement Act (“WIIA”); and

WHEREAS, the Authority has identified a project that meets the criteria for funding under this grant program, Contract No. MP-091 Lead Service Line Replacements; and

WHEREAS, the Authority has identified lead service lines located in the Cities of Tonawanda and Lackawanna, Town of Amherst, and Villages of Lancaster, Depew, and Hamburg, all of which have disadvantaged areas as per New York State Potential Environmental Justice Areas standards; and

WHEREAS, recognizing the importance of replacing lead service lines, the Authority has determined that funding this project would have a direct benefit to the public; and

WHEREAS, the Authority is asking New York State for funding assistance to complete this important water infrastructure project; and

WHEREAS, the Authority is submitting an application to the NYSEFC WIIA Grant Program in an effort to secure 2023 NYS Water Grant funding assistance for a total estimated project cost not to exceed \$600,000.00; and

NOW, THEREFORE, BE IT RESOLVED:

That the Board of Commissioners of the Authority (the “Board”) authorizes the filings of the grant application to the New York State Department of Health Environmental Facilities Corporation for the project identified as Contract No. MP-091 Lead Service Line Replacements; and be it further

RESOLVED: That the Board directs implementing this project to completion consisting of the planning, design, and construction; and be it further

RESOLVED: That the construction for said project will be budgeted in the Authority’s 2023 and 2024 Capital Budget minus any grant monies received to the Authority; and be it further

RESOLVED: That the Chief Financial Officer or, in their absence, the Executive Engineer is authorized to execute the application on behalf of the Authority.

Ayes:

Noes:

07/20/23-alh

ITEM 9 - AWARD OF CONTRACT TO ATLAS PAINTING & SHEETING CORP. FOR CONTRACT NO. W-034-C STORAGE TANK REFURBISHING - COLVIN, PROJECT NO. 202100193 - \$923,000.00

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 9th day of May 2023, a notice inviting sealed bids in accordance with Public Authorities Law §1069 for Contract No. W-034-C Storage Tank Refurbishing - Colvin; and

WHEREAS, Authority personnel opened sealed bids in the office of the Authority on the 6th day of June 2023, and was as follows:

BIDDERS	AMOUNT
Atlas Painting & Sheeting Corp.	\$ 923,000.00
Amstar of Western New York, Inc.	1,070,000.00
Erie Painting & Maintenance, Inc.	1,436,850.00; and

WHEREAS, Wendel, Consulting Engineers, Michael W. Wymer, Sr. Production Engineer and Leonard F. Kowalski, Executive Engineer have reviewed the specifications and bids and determined that Atlas Painting & Sheeting Corp. 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 O&M Budget includes funds for this project under Unit 2502 Construction, Item No. 74 Payments to Contractors - Tanks;

NOW, THEREFORE, BE IT RESOLVED:

That Authority awards the contract to Atlas Painting & Sheeting Corp. as the lowest responsible bidder for the abovementioned project, and be it further

RESOLVED: That the Chair is authorized to execute a contract with Atlas Painting & Sheeting Corp. for Contract No. W-034-C Storage Tank Refurbishing - Colvin as a unit price contract for the estimated total amount of \$923,000.00; 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:

07/20/23-alh

**ITEM 10 - AWARD OF CONTRACT TO RUSSO DEVELOPMENT, INC. FOR
CONTRACT NO. MP-091 CURB BOX REPLACEMENTS, PROJECT NO.
202200135 - \$539,619.00**

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 24th day of May 2023, a notice inviting sealed bids in accordance with Public Authorities Law §1069 for Contract No. MP-091 Curb Box Replacements; and

WHEREAS, Authority personnel opened a sealed bid in the office of the Authority on the 15th day of June 2023, and was as follows:

BIDDERS	AMOUNT
Russo Development, Inc.*	\$539,619.00

*Only bid received; and

WHEREAS, Arcadis of New York, Inc., Consulting Engineers, Michael J. Quinn, Sr. Distribution Engineer and Leonard F. Kowalski, Executive Engineer have reviewed the specifications and bid and determined that Russo Development, 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 1030 Water Quality Assurance, Item No. 101664 Corrosion Control Program Management;

NOW, THEREFORE, BE IT RESOLVED:

That Authority awards the contract to Russo Development, Inc. as 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 Contract No. MP-091 Curb Box Replacements as a unit price contract for the estimated total amount of \$539,619.00.

Ayes:
Noes:

07/20/23-alh

ITEM 11 - APPROVAL OF AMENDMENT NO. 2 TO THE CONTRACT WITH BISON LABORATORIES, INC. FOR THE FURNISHING AND DELIVERING OF SODIUM HYPOCHLORITE TO THE ERIE COUNTY WATER AUTHORITY FOR USE IN THE BOOSTER STATIONS, PROJECT NO. 202200139, CONTRACT NO. 22-25-07

Motion by _____ seconded by _____

WHEREAS, on July 21, 2022, the Erie County Water Authority’s (the “Authority”) Board of Commissioners (the “Board”) approved entering into a contract with Bison Laboratories, Inc. (the “Supplier”) for the furnishing and delivering of Sodium Hypochlorite to the Erie County Water Authority for Use in the Booster Stations for one year, Contract No. 22-25-07 (the “Contract”); and

WHEREAS, on December 15, 2022, the parties executed Amendment No. 1 increasing the unit price of each five (5) gallon carboy of Sodium Hypochlorite to \$15.00; and

WHEREAS, in accordance with paragraph 1.04 of the Contract, the parties may agree to extend the Contract under the same terms and conditions, or upon such terms and conditions acceptable to the Authority, for two (2) additional one (1) year terms; and

WHEREAS, in accordance with paragraph 5.02 of the Contract, the parties may amend the Contract by written amendment authorized by resolution of the Board and signed by all parties; and

WHEREAS, the Supplier has agreed to extend the term of this Contract for an additional one year period from August 1, 2023 until July 31, 2024, based on the same terms and conditions, including pricing of \$15.00 for each five (5) gallon carboy of sodium hypochlorite; and

WHEREAS, the Authority’s O&M Budget includes funds for this project under Unit 1020 Control Operations, Item No. 13 Chemicals;

NOW, THEREFORE, BE IT RESOLVED:

That Board approves amending the Contract with Bison Laboratories, Inc. by extending the Contract for an additional one year period from August 1, 2023 until July 31, 2024, based on the same terms and conditions, including pricing of \$15.00 for each five (5) gallon carboy of sodium hypochlorite; and be it further

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

Ayes:

Noes:

07/20/23-alh

ITEM 12 - 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 6" valve at 29 Veterans Place, Town of Cheektowaga with a new 6" resilient seat valve on 01/05/2023. Work done by ECWA forces under Work Authorization No. 107.200 7306.

Valve originally installed in 1956 was scrapped and retired under Retirement Authorization No. R230002.

Replace existing 6" valve at 919 Dick Road, Town of Cheektowaga with a new 6" resilient seat valve on 01/10/2023. Work done by ECWA forces under Work Authorization No. 107.200 7307.

Valve originally installed in 1927 was scrapped and retired under Retirement Authorization No. R230003.

Replace existing 5' hydrant at 729 Borden Road, Town of Cheektowaga with a new 5' AVK hydrant on 01/16/2023. Work done by ECWA forces under Work Authorization No. 107.200 7305.

Hydrant originally installed in 1976 was scrapped and retired under Retirement Authorization No. R230001.

Replace existing 4" valve at 4408 Milestrip Road, Town of Hamburg with a new 4" resilient seat valve on 02/05/2023. Work done by ECWA forces under Work Authorization No. 107.200 7308.

Valve originally installed in 1992 was scrapped and retired under Retirement Authorization No. R230004.

Replace existing 6" valve at 869 Dick Road, Town of Cheektowaga with a new 6" resilient seat valve on 02/17/2023. Work done by ECWA forces under Work Authorization No. 107.200 7311.

Valve originally installed in 1927 was scrapped and retired under Retirement Authorization No. R230007.

Replace existing 6' hydrant at 4412 Clark Street, Town of Hamburg with a new 6' Kennedy K81 hydrant on 03/02/2023. Work done by ECWA forces under Work Authorization No. 107.200 7310.

Hydrant originally installed prior to 07/14/2011 was scrapped and retired under Retirement Authorization No. R230006.

Replace existing 6" valve at 105 Cobb Road, City of Lackawanna with a new 6" resilient seat valve on 03/13/2023. Work done by ECWA forces under Work Authorization No. 107.200 7316.

Valve originally installed in 1987 was scrapped and retired under Retirement Authorization No. R230011.

Replace existing 6" valve at 35 Sandy Lane, Town of Cheektowaga with a new 6" resilient seat valve on 03/16/2023. Work done by ECWA forces under Work Authorization No. 107.200 7312.

Valve originally installed in 1964 was scrapped and retired under Retirement Authorization No. R230008.

Replace existing 6" valve at 276 Lackawanna Avenue, Village of Sloan with a new 6" resilient seat valve on 03/15/2023. Work done by ECWA forces under Work Authorization No. 107.200 7313.

Valve originally installed in 1916 was scrapped and retired under Retirement Authorization No. R230009.

Installed a new 8" resilient seat valve at 4285 Seneca Street, Town of West Seneca on 03/08/2023. Work done by ECWA forces under Work Authorization No. 107.200 7314.

Replace existing 8" valve at Seneca Street and East Avenue, Town of West Seneca with a new 8" resilient seat valve on 03/08/2023. Work done by ECWA forces under Work Authorization No. 107.200 7315.

Valve originally installed in 1908 was scrapped and retired under Retirement Authorization No. R230010.

Replace existing 5' hydrant at 9200 Wehrle Drive, Town of Clarence with a new 5' Kennedy K81 hydrant on 12/12/2022. Work done by ECWA forces under Work Authorization No. 107.200 7322.

Hydrant originally installed prior to 10/01/1999 was scrapped and retired under Retirement Authorization No. R230012.

Replace existing 5' hydrant at 4251 Robin Lane, Town of Hamburg with a new 5' Kennedy K81 hydrant on 12/14/2022. Work done by ECWA forces under Work Authorization No. 107.200 7326.

Hydrant originally installed prior to 07/14/2011 was scrapped and retired under Retirement Authorization No. R230016.

Replace existing 5' hydrant at 3951 Sheldon Road, Town of Hamburg with a new 5' Bury Kennedy K81 hydrant on 01/05/2023. Work done by ECWA forces under Work Authorization No. 107.200 7324.

Hydrant originally installed prior to 07/14/2011 was scrapped and retired under Retirement Authorization No. R230014.

Replace existing 5' hydrant at 4159 Sheva Lane, Town of Hamburg with a new 5' Kennedy K81 hydrant on 12/13/2022. Work done by ECWA forces under Work Authorization No. 107.200 7325.

Hydrant originally installed prior to 07/14/2011 was scrapped and retired under Retirement Authorization No. R230015.

Replace existing 5' hydrant at 247 Lake Street, Town of Hamburg with a new 5' Kennedy K81 hydrant on 12/13/2022. Work done by ECWA forces under Work Authorization No. 107.200 7327.

Hydrant originally installed prior to 07/14/2011 was scrapped and retired under Retirement Authorization No. R230017.

Replace existing 5' hydrant at Beech Street and Madison Avenue, City of Lackawanna with a new 5' Kennedy K81 hydrant on 01/10/2023. Work done by ECWA forces under Work Authorization No. 107.200 7323.

Hydrant originally installed in 1972 was scrapped and retired under Retirement Authorization No. R230013.

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:

7/20/23-alh

ITEM 13 - AUTHORIZATION FOR MICHAEL QUINN, SR. DISTRIBUTION ENGINEER TO ATTEND THE AWWA WATER INFRASTRUCTURE CONFERENCE IN PHILADELPHIA, PA

Motion by seconded by

WHEREAS, the Erie County Water Authority deems it advisable for Michael Quinn, Sr. Distribution Engineer to attend the AWWA Water Infrastructure Conference in Philadelphia, PA at a total estimated cost of \$1,990.00;

NOW, THEREFORE, BE IT RESOLVED:

That Michael Quinn, Sr. Distribution Engineer is hereby authorized to travel to Philadelphia, PA from September 11, 2023 to September 14, 2023 to attend the AWWA Water Infrastructure Conference at a total estimated cost of \$1,990.00.

Ayes:

Noes:

07/20/23-alh

ITEM 14 - APPROVAL OF A LEAVE OF ABSENCE FOR MICHAEL FAHEY

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 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 June 20, 2023, the Authority appointed Michael Fahey to the position of Distribution Engineer; and

WHEREAS, Mr. Fahey has requested a leave of absence from his permanent position of Water Service Crew Chief while he continues to serve the Authority as Distribution Engineer;

NOW, THEREFORE, BE IT RESOLVED:

Michael Fahey is granted a leave of absence from his permanent position of Water Service Crew Chief while he continues to serve the Authority as Distribution Engineer.

Ayes:

Noes:

07/20/23-alh

ITEM 15 - APPROVAL OF A LEAVE OF ABSENCE FOR CRAIG MCCANN

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 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 July 10, 2023, the Authority appointed Craig McCann to the position of Crew Chief; and

WHEREAS, Mr. McCann has requested a leave of absence from his permanent position of Line Maintenance Worker while he continues to serve the Authority as Crew Chief;

NOW, THEREFORE, BE IT RESOLVED:

Craig McCann is granted a leave of absence from his permanent position of Line Maintenance Worker while he continues to serve the Authority as Crew Chief.

Ayes:

Noes:

07/20/23-alh

ITEM 16 - CREATION OF TWO POSITIONS OF INSTRUMENTATION ELECTRICAL AND ELECTRONIC TECHNICIAN

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 (2) positions of Instrumentation Electrical and Electronic Technician, Salary Grade 26 at a starting salary of \$70,089.76 of the Authority’s Career and Salary Plan, effective July 20, 2023; and be it further

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

Ayes:

Noes:

07/20/23-alh

ITEM 17 - CREATION OF THREE POSITIONS OF SENIOR ENGINEER ASSISTANT

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 three (3) positions of Senior Engineer Assistant, Salary Grade 19 at a starting salary of \$65,156.00 of the Authority’s Career and Salary Plan, effective July 20, 2023; and be it further

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

Ayes:

Noes:

07/20/23-alh

**ITEM 18 - AUTHORIZATION TO WAIVE ATTORNEY-CLIENT PRIVILEGE
RELATING TO A JUNE 6, 2018 ATTORNEY MEMORANDUM FOR THE
LIMITED AND SPECIFIC USE WITHIN LITIGATION WITH THE TOWN
OF ELMA**

Motion by _____ and seconded by _____

WHEREAS, the Erie County Water Authority (the “Authority”) is currently in litigation with the Town of Elma (“Elma”); and

WHEREAS, it is in the best interest of the Authority to waive attorney-client privilege relating to a June 6, 2018 attorney memorandum for the limited and specific use within litigation with Elma; and

WHEREAS, the memo is to be presented to the Honorable Justice Timothy J. Walker for his consideration at a pending motion on July 26, 2023; and

WHEREAS, Mark S. Carney, General Counsel recommends waiving the attorney-client privilege relating to a June 6, 2018 attorney memorandum for the limited and specific use within litigation with Elma;

NOW, THEREFORE BE IT RESOLVED:

The Board of Commissioners of the Authority approves waiving the attorney-client privilege relating to a June 6, 2018 attorney memorandum for the limited and specific use within litigation with Elma pending before the Honorable Justice Timothy J. Walker.

07/20/23-alh