

ITEM 1 – AUTHORIZATION TO EXECUTE FUNDING AGREEMENT WITH NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION IN CONNECTION WITH GRANT AWARD - \$20,000,000

Motion by seconded by

WHEREAS, the Erie County Water Authority (the “Authority”) was awarded a New York State Environmental Facilities Corporation (the “EFC”) grant for the projects identified as Contract No. MP-084 Water System Improvements, Transmission Main Installation, Town of Tonawanda, Contract No. MP-088 Sturgeon Point Water Treatment Plant Washwater Tank Replacement, and Contract No. MP-090 Sturgeon Point Water Treatment Plant Filtration Piping, Valve and Underdrain System Improvements in an amount not to exceed \$20,000,000.00; and

WHEREAS, the Authority must confirm its acceptance of the grant award and intent to proceed with this project by completing and signing the Funding Agreement (the “Agreement”) submitted by the EFC; and

WHEREAS, Leonard F. Kowalski, Executive Engineer recommends signing the Agreement accepting the terms and conditions; and

NOW, THEREFORE, BE IT RESOLVED:

That the Board of Commissioners of the Authority authorizes executing the Agreement which accepts the terms and conditions of the award; and be it further

RESOLVED: That Chair is hereby authorized to execute the Funding Agreement submitted by the EFC.

Ayes:

Noes:

09/20/23-alh

ITEM 2 - AUTHORIZATION TO EXECUTE A SERVICE CONTRACT WITH TIME WARNER CABLE NORTHEAST, LLC D/B/A SPECTRUM RELATIVE TO INTERNET SERVICES, STATE CONTRACT NO. PS68706

Motion by seconded by

WHEREAS, the Erie County Water Authority (the “Authority”) currently utilizes Time Warner Cable Northeast, LLC d/b/a Spectrum (“Spectrum”) for its ethernet private line services (fiber point-to-point) at Authority locations; and

WHEREAS, the Authority’s Information Technology department reviewed internet and network connectivity at all Authority locations and worked with service providers to identify opportunities for improvement; and

WHEREAS, after reviewing the existing agreements with Spectrum, it was determined that the Authority has a need for increased bandwidth at the Van de Water Water Treatment Plant and Sturgeon Point Water Treatment Plant in support of an upcoming system upgrade, relocation of backup data center and addition security cameras; and

WHEREAS, David W. Aubertine, Director of Cybersecurity and Information Technology recommends executing a Service Agreement with Spectrum for the increased services; and

WHEREAS, the Authority’s 2023 O&M Budget includes funds for this project under Unit 8525 Information Technology, Item No. 23 Telephone;

NOW, THEREFORE, BE IT RESOLVED:

That the Board of Commissioners of the Authority approves entering into a Service Agreement with Spectrum for the above services; and be it further

RESOLVED: That the Chair is authorized to execute any documents necessary to secure these services.

Ayes:
Noes:

09/20/23-alh

ITEM 3 - AUTHORIZATION TO ACCEPT THE CONSTRUCTION AND INSTALLATION OF APPROXIMATELY 1,085 LINEAR FEET OF EIGHT (8") INCH PVC (C-900), 50 LINEAR FEET OF EIGHT (8") INCH DIP, TWO (2) HYDRANTS, FIVE (5) LINE VALVES AND APPURTENANCES IN NORTHWOODS SUBDIVISION, PHASE 5, TOWN OF CLARENCE, NEW YORK, EC NO. 7292, PROJECT NO. 202200264

Motion by _____ seconded by _____

WHEREAS, the Erie County Water Authority (the "Authority") entered into a Main Extension Agreement (Builder-Contractor-Developer) with Cimato Enterprises, Inc. and Cimato Bros. Construction, Inc. relative to Northwoods Subdivision, Phase 5, Town of Clarence, New York, identified by Work Authorization No. 7292; and

WHEREAS, the Bill of Sale, dated July 5, 2023, and the Schedule of Inventory, dated July 5, 2023, have been approved by Leonard F. Kowalski, Executive Engineer and the construction and installation of approximately 1,085 linear feet of eight (8") inch PVC (C-900), 50 linear feet of eight (8") inch DIP, two (2) hydrants, five (5) line 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 Northwoods Subdivision, Phase 5, Town of Clarence, 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 approximately 1,085 linear feet of eight (8") inch PVC (C-900), 50 linear feet of eight (8") inch DIP, two (2) hydrants, five (5) line valves and appurtenances and said mains, valves and hydrants be added to the property records of the Authority.

Ayes:

Noes:

09/20/23-alh

ITEM 4 - RESOLUTION GRANTING THE STATE OF NEW YORK AUTHORITY TO PERFORM THE ADJUSTMENT FOR THE OWNER AND AGREEING TO MAINTAIN FACILITIES ADJUSTED VIA STATE-LET CONTRACT IN CONNECTION WITH PIN NO. 5131.41, D265088 PROJECT NO. 202300011

Motion by seconded by

WHEREAS, the New York State Department of Transportation (the “State”) proposes the construction, reconstruction, or improvement of NY Route 277 (Union Road) Woodward Drive to Walden Avenue Pavement Rehabilitation with Signals, Signs Curb Ramps, Drainage Repairs, Intersection Improvements, and Large Culvert Rehabilitation, Towns of Cheektowaga and West Seneca, Erie County, identified as PIN 5131.41, D265088; and

WHEREAS, the State will include as part of the construction, reconstruction, or improvement of the above-mentioned project the adjustment of valve box elevations pursuant to Section 10, Subdivision 24 of the State Highway Law, as shown on the contract plans relating to the project and meeting the requirements of the owner; and

WHEREAS, the service life of the relocated and or replaced utilities has not been extended; and

WHEREAS, the State will provide for the reconstruction of the above-mentioned work, as shown on the contract plans relating to the above-mentioned project;

NOW, THEREFORE, BE IT RESOLVED:

That the Erie County Water Authority (the “Authority”) approves the adjustment of valve box elevations and the above-mentioned work performed on the project and shown on the contract plans relating to the project and that the Authority will maintain or cause to be maintained the adjusted facilities performed as above stated and as shown on the contract plans; and be it further

RESOLVED: That Authority’s Chair has the authority to sign, with the concurrence of the Board, any and all documentation that may become necessary as a result of this project as it relates to the Authority; and be it further

RESOLVED: That the Secretary of Authority is directed to transmit four (4) certified copies of the foregoing resolution to the New York State Department of Transportation.

Ayes:

Noes:

09/20/23-alh

ITEM 5 - AUTHORIZATION TO ENTER INTO A PERMANENT EASEMENT AGREEMENT WITH TOWN OF BOSTON RELATING TO RICE HILL TANK

Motion by seconded by

WHEREAS, the Town of Boston (the “Town”) owns real property located at 8971 Zimmerman Road where the Town’s Water District #2 Water Tank known as Rice Hill Tank is located; and

WHEREAS, the Authority is undertaking a project to install improvements to the communication system including underground conduit and wiring at the Rice Hill Tank; and

WHEREAS, in order to construct the improvements as well as to operate and maintain the conduit, the Authority must execute a Permanent Easement Agreement (the “Agreement”) with the Town; and

WHEREAS, the Authority’s Legal and Engineering departments have negotiated the terms of this Agreement and recommend the Board of Commissioners (the “Board”) approve and execute the Agreement; and

WHEREAS, there is no cost associated with this Agreement;

NOW, THEREFORE, BE IT RESOLVED:

That the Board approves entering into a Permanent Easement Agreement with the Town of Boston relating to Rice Hill Tank communication system improvements; and be it further

RESOLVED, that the Chair is authorized to execute the Agreement on behalf of the Authority.

Ayes:

Noes:

09/20/23-alh

ITEM 6 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH UTILIS INC. D/B/A ASTERRA TO PERFORM ENGINEERING SERVICES RELATING TO SATELLITE LEAK DETECTION PROGRAM, IDENTIFIED AS CONTRACT NO. AST-001, PROJECT NO. 202300151

Motion by seconded by

WHEREAS, Contract No. AST-001 consists of engineering services for preparing and executing a satellite scan of the Erie County Water Authority (the “Authority”) water distribution and transmission system consisting of approximately 3,700 linear miles or pipeline; and

WHEREAS, the scan will be critical to the operation of the Authority’s distribution and transmission system by identifying leaks not visible from the surface; and

WHEREAS, it was determined that Utilis Inc. d/b/a Asterra (“Asterra”) is the only firm to provide this service, and therefore is a sole source provider; and

WHEREAS, Asterra developed a unique and patented algorithm for leak detection in urban freshwater distribution networks and has demonstrated a good understanding of the scope and requirements for this contract; and

WHEREAS, Michael Quinn, Senior Production Engineer and Leonard Kowalski, Executive Engineer recommend entering into a contract with Asterra as a sole source provider of the Satellite Leak Detection Program for the total lump sum cost of \$300,000.00, with potential additional Acoustic Leak Detection Services at a cost not to exceed \$45,000.00 and a Contingency Allowance at a cost not to exceed \$10,000.00; and

WHEREAS, the Authority’s 2023 O&M Budget includes funds for this project under Unit 2502 Construction, Item No. 19 Payments to Contractors - Other;

NOW, THEREFORE, BE IT RESOLVED:

That the Board of Commissioners of the Authority approves entering into a contract as a sole source provider of the Satellite Leak Detection Program for Contract No. AST-001 with Utilis Inc. d/b/a Asterra for the total lump sum cost of \$300,000.00, with potential additional Acoustic Leak Detection Services at a cost not to exceed \$45,000.00 and a Contingency Allowance at a cost not to exceed \$10,000.00; and be it further

RESOLVED: That the Chair is hereby authorized to execute said agreement on behalf of the Authority.

Ayes:
Noes:

ITEM 7 - AUTHORIZATION TO EXECUTE A LEGAL SERVICES AGREEMENT WITH DOUGLAS & LONDON P.C. TO PROVIDE EXPERT LEGAL SERVICES REGARDING POTENTIAL CLAIMS FOR CONTAMINATION OF DRINKING WATER

Motion by seconded by

WHEREAS, Pursuant to Article V, Title 3, Section 1053 of the Public Authorities Law, the Erie County Water Authority (the "Authority") has the authority to appoint an attorney and may also from time to time contract for expert professional services; and

WHEREAS, Article V, Section 6 of the By-Laws of the Authority grants to the Authority the right to name and appoint from time to time an attorney or engineer and may also from time to time contract for expert professional services; and

WHEREAS, Mark S. Carney, General Counsel recommends retaining Douglas & London P.C. to represent the Authority in connection with potential claims relative to contamination of drinking water with per- and polyfluoroalkyl substances; and

WHEREAS, Douglas & London P.C. have submitted a legal services agreement offering to provide the abovementioned services;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority hereby retains the expert professional services of Douglas & London P.C. to provide legal counsel on behalf of the Authority in connection with potential claims relative to contamination of drinking water with per- and polyfluoroalkyl substances; and be it further

RESOLVED: That the Chair is hereby authorized to execute the legal services agreement submitted by Douglas & London P.C.

Ayes:

Noes:

09/20/23-alh

ITEM 8 - AUTHORIZATION TO EXECUTE TERMINATION AGREEMENT WITH BELL ATLANTIC MOBILE SYSTEMS LLC D/B/A VERIZON WIRELESS FOR THE LEASING OF SPACE ON THE ERIE COUNTY WATER AUTHORITY'S PLEASANTVIEW TANK IN LANCASTER, NEW YORK AND EXECUTE BILL OF SALE FOR ABANDONED SHELTER INSTALLED ON LEASED PREMISES

Motion by seconded by

WHEREAS, pursuant to a lease dated as of December 1, 1996, the Erie County Water Authority (the "Authority") leased to Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless, successor in interest to Upstate Cellular Network ("Verizon") certain premises commonly known and referred to as the "Pleasantview Tank" located at 12 Pleasantview Drive, Lancaster, New York (the "Agreement") ; and

WHEREAS, the Authority and Verizon desire to terminate the Agreement; and

WHEREAS, in accordance with Section 16 and Section 17 of the Agreement, Verizon performed the decommissioning removal of its cellular installation facilities pursuant to the Authority's required guidelines which was supervised and approved by the Authority's Risk Manager and Security Officer; and

WHEREAS, the Legal Department has reviewed the Termination Agreement and found it fairly and accurately represent the mutual acknowledgement of the termination and, therefore, recommends it be approved and executed by the Board of Commissioners (the "Board"); and

WHEREAS, in the process of removing its cellular installation facilities from the Pleasantview Tank, Verizon has included an agreement to abandon and transfer a 10' x 20' shelter at a cost of \$10.00 to the Authority; and

WHEREAS, the shelter was inspected by the Authority's personnel and found to be in suitable condition; and

WHEREAS, to complete the transfer of the shelter, the Legal Department recommends the Board approve and execute the "as-is" Bill of Sale with Verizon;

NOW, THEREFORE, BE IT RESOLVED:

That the Board authorizes executing the Termination Agreement with Verizon to terminate lease of Pleasantview Tank; and be it further

RESOLVED: That the Authority execute a Bill of Sale with Verizon for the transfer of a 10' x 20' shelter at a cost of \$10.00 to the Authority; and be it further

RESOLVED: That the Chair is authorized to execute the Termination Agreement and Bill of Sale on behalf of the Authority.

Ayes:

Noes:

09/20/23-alh

ITEM 9 - APPROVAL OF CHANGE ORDER NO. 1 OF JOHN W. DANFORTH COMPANY FOR JEROME D. VAN DE WATER WTP FILTER NO. 3 VALVES REPLACEMENT, PROJECT NO. 202200238

Motion by seconded by

WHEREAS, on June 22, 2023, the Erie County Water Authority's (the "Authority") Board of Commissioners (the "Board") approved a resolution to enter into a Contract with John W. Danforth Company (the "Contractor") for Jerome D. Van De Water WTP Filter No. 3 Valves Replacement (the "Contract"); and

WHEREAS, the Contractor has submitted Change Order No. 1 to change the Contract by extending the date for Substantial Completion from April 30, 2024 to December 15, 2024 and the date for Final Completion from May 15, 2024 to December 31, 2024; and

WHEREAS, the reason for said change is due to the time for fabrication and delivery of valve and actuator equipment has increased substantially; and

WHEREAS, Michael W. Wymer, Sr. Production Engineer and Leonard F. Kowalski, Executive Engineer recommend approval of said Change Order No. 1;

NOW, THEREFORE, BE IT RESOLVED:

That Change Order No. 1 of John W. Danforth Company to provide for the abovementioned change be approved; and be it further

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

Ayes:

Noes:

09/20/23-alh

ITEM 10 - APPROVAL OF AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH ARCADIS OF NEW YORK, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES FOR BALL PUMP STATION PHASE 1 REHABILITATION, IDENTIFIED AS CONTRACT NO. MP-086, PROJECT NO. 202000177

Motion by seconded by

WHEREAS, on June 18, 2020, the Erie County Water Authority (the “Authority”) Board of Commissioners (the “Board”) approved a resolution to enter into a professional service agreement with Arcadis of New York, Inc. (the “Engineer”) to provide engineering and consulting services relating to Phase I of the rehabilitation of the Ball Pump Station, identified as Contract No. MP-086 (the “Agreement”); and

WHEREAS, on June 16, 2022, the parties executed Amendment No. 1 to the Agreement to amend the scope of services and increase the Engineer’s fees; and

WHEREAS, based on the recommendation of the Authority’s Executive Engineer, the Authority seeks to amend the Agreement to increase the total not to exceed amount for Special Services to enable the Engineer to complete a feasibility study to allow for the evaluation of alternative contracting methods for the construction contract; and

WHEREAS, the Engineer has requested additional funds of \$50,000.00 for Special Services to complete the study; and

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

WHEREAS, the Authority’s 2023 Capital Budget includes funds for this project under Unit 2520 Eng/Const Control, Item No. 101512 Ball PS - Pumping Improvements;

NOW, THEREFORE, BE IT RESOLVED:

That the Board approves amending the Agreement with Arcadis of New York, Inc. to increase the funds for special services not to exceed by \$50,000.00, changing the current figure of \$68,600.00 to \$118,600.00; and be it further

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

Ayes:

Noes:

09/20/23-alh

ITEM 11 - APPROVAL OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH WM SCHUTT ASSOCIATES, PC TO PROVIDE CONSULTING ENGINEERING SERVICES FOR WATER SYSTEM IMPROVEMENTS IN THE TOWN OF AMHERST AND VILLAGE OF LANCASTER, IDENTIFIED AS CONTRACT NO. WSA-017, PROJECT NO. 202100027

Motion by _____ seconded by _____

WHEREAS, on March 4, 2021, the Erie County Water Authority (the “Authority”) Board of Commissioners (the “Board”) approved a resolution to enter into a professional service agreement with WM Schutt Associates, PC (the “Engineer”) to provide engineering and consulting services relating to Water System Improvements in the Town of Amherst and Village of Lancaster, identified as Contract No. WSA-017 (the “Agreement”); and

WHEREAS, during the design phase of the project, the Authority’s Engineering Department has requested several changes to the original design scope; and

WHEREAS, the Engineer has requested additional compensation of \$15,000.00 for the additional services it provided to the Authority; and

WHEREAS, the Authority’s Executive Engineer recommends that the Authority amend the Agreement by increasing the compensation to the Engineer by \$15,000.00; 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 Authority’s 2023 Capital Budget includes funds for this project under Unit 2590 Eng/Const Distribution Mains, Item No. 101593 WSA-017 Waterline Replacement;

NOW, THEREFORE, BE IT RESOLVED:

That the Board approves amending the Agreement with WM Schutt Associates, PC to increase the lump sum for design cost by \$15,000.00, changing the current figure of \$57,137.00 to \$72,137.00; and be it further

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

Ayes:

Noes:

09/20/23-alh

ITEM 12 - APPROVAL OF AMENDMENT NO. 1 OF CONCRETE APPLIED TECHNOLOGIES, CORP. d/b/a CATCO FOR CONTRACT NO. MP-084, WATER SYSTEM IMPROVEMENTS TRANSMISSION MAIN INSTALLATION, TOWN OF TONAWANDA, NEW YORK, PROJECT NO. 20200084

Motion by seconded by

WHEREAS, on July 21, 2022, the Erie County Water Authority (the “Authority”) Board of Commissioners (the “Board”) awarded Concrete Applied Technologies, Corp. d/b/a CATCO (the “Contractor”) a contract for Water System Improvements Transmission Main Installation, Town of Tonawanda, New York, identified as Contract No. MP-084 (the “Contract”); and

WHEREAS, in accordance with Section 00700, General Conditions, Paragraph 3.04(A) of the Contract, the parties may amend the Contract Documents by written amendment; and

WHEREAS, the work performed under the Contract was delayed as a result of unforeseen circumstances at no fault of the Contractor, including delays in material delivery and the identification, and subsequent disposal of, unsuitable material along the proposed alignment; and

WHEREAS, the parties wish to amend the Contract to extend the Substantial Completion Date from August 15, 2023 to May 15, 2024 and the Final Completion Date from December 30, 2023 to June 30, 2024;

NOW, THEREFORE, BE IT RESOLVED:

That the Board approves amending the Contract with Concrete Applied Technologies, Corp. d/b/a CATCO to extend the Substantial Completion Date from August 15, 2023 to May 15, 2024 and the Final Completion Date from December 30, 2023 to June 30, 2024; and be it further

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

Ayes:

Noes:

09/20/23-alh

ITEM 13 - APPROVAL OF AMENDMENT NO. 1 OF UNITED COPIER & BUSINESS SYSTEMS, INC. FOR SERVICES RELATING TO FURNISHING AND DELIVERING EQUIPMENT, SUPPLIES, AND PARTS FOR PRINTERS, COPIERS, SCANNERS AND PLOTTERS, PROJECT NO. 202300126

Motion by seconded by

WHEREAS, on May 25, 2023, the Erie County Water Authority’s (the "Authority") Board of Commissioners (the “Board”) approved a resolution to enter into a Managed Print Service Contract with United Copier & Business Systems, Inc. (“UBS”) for the Furnishing and Delivering Equipment, Supplies, and Parts for Printers, Copiers, Scanners and Plotter (the “Contract”); and

WHEREAS, the Contract provides that UBS shall provide managed print services to the Authority from August 1, 2023 through July 31, 2028; and

WHEREAS, due to supply chain issues, UBS is unable to provide the Authority with all of the equipment specified in the Contract; and

WHEREAS, UBS has proposed replacement equipment and the Authority’s Director of Cyber Security and Information Technology has reviewed the specifications of the replacement equipment and finds it to be of equal or greater value than the contracted equipment; and

WHEREAS, in accordance with Article 6, Paragraph 6.02 of the Contract, the parties may amend the Contract by written amendment authorized by resolution of the Board; and

WHEREAS, the parties wish to amend the Contract to substitute the originally contracted equipment with the proposed replacement equipment at no additional cost to the Authority;

NOW, THEREFORE, BE IT RESOLVED:

That the Board approves amending the Contract with United Copier & Business Systems, Inc. to provide for the abovementioned changes; and be it further

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

Ayes:

Noes:

09/20/23-alh

**ITEM 14 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER
 AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2023 –
 STURGEON POINT WATER TREATMENT PLANT SITE FRONT END
 LOADER V-PLOW ATTACHMENT - \$27,000.00**

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 David Patton, Senior Production Engineer, funding is needed for a new V-Plow Attachment to be used on vehicle V901 at Sturgeon Point Water Treatment Plant; 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</u>	<u>Capital No:</u>	<u>Description</u>	<u>Increase</u>	<u>Decrease</u>
<u>No</u>				
1090	101757	V-Plow Attachment	<u>\$ 27,000</u>	
1010	101471	Decant Submersible Mixers		<u>\$ 27,000</u>
		Totals	\$ 27,000	\$ 27,000;

NOW, THEREFORE, BE IT RESOLVED:

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

Ayes:

Noes:

09/20/23-JRB:alh

**ITEM 15 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER
 AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2023 –
 STURGEON POINT WATER TREATMENT PLANT SITE UTILITY
 TRACTOR - \$70,000.00**

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 David Patton, Senior Production Engineer, funding is needed for a new tractor with attachments to be used for maintenance at various sites; 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>
1090	101759	Vehicle 908	<u>\$ 70,000</u>	
1010	101471	Decant Submersible Mixers		<u>\$ 70,000</u>
		Totals	\$ 70,000	\$ 70,000;

NOW, THEREFORE, BE IT RESOLVED:

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

Ayes:

Noes:

09/20/23-JRB:alh

**ITEM 16 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER
 AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2023 –
 STURGEON POINT WATER TREATMENT PLANT SITE UTILITY
 VEHICLE - \$33,000.00**

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 David Patton, Senior Production Engineer, funding is needed for a new utility vehicle to be used at Sturgeon Point Water Treatment Plant; 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</u>	<u>Capital No:</u>	<u>Description</u>	<u>Increase</u>	<u>Decrease</u>
<u>No</u>				
1090	101758	Vehicle 613	<u>\$ 33,000</u>	
1010	101471	Decant Submersible Mixers		<u>\$ 33,000</u>
Totals			\$ 33,000	\$ 33,000;

NOW, THEREFORE, BE IT RESOLVED:

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

Ayes:

Noes:

09/20/23-JRB:alh

ITEM 17 - AUTHORIZATION TO ADOPT THE NEWLY REVISED EMPLOYEE POLICIES AND PROCEDURES MANUAL

Motion by seconded by

WHEREAS, on May 18, 1995, the Erie County Water Authority (the “Authority”) adopted an Employee Policies and Procedures Manual (formerly known as Human Resources Policies/Procedures Manual); and

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

WHEREAS, on October 20, 2022, the Authority rescinded the December 27, 2005 Employee Policies and Procedures Manual adopted a revised Employee Policies and Procedures Manual; and

WHEREAS, it is in the best interest of the Authority to revise the current Employee Policies and Procedures Manual to include the history of the individual policy, noting the amended and adopted dates; and

WHEREAS, the bodies of the policies have not been altered since Board adoption on October 20, 2022, except for Policy 41 – Vacation Policy & Procedure, which was amended and adopted on June 22, 2023; and

WHEREAS, Policy 96.0, inadvertently omitted from the October 20, 2022 revised Employee Policies and Procedures Manual, has been updated to Policy 96 to conform to the new numbering format of policies and included in the newly revised Employee Policies and Procedures Manual; and

WHEREAS, the Legal Department has reviewed, revised, and redrafted the policies contained within the Employee Policies and Procedures Manual of October 20, 2022 to include the history of the individual policies, Policy 41 and Policy 96 and recommends adopting the newly revised Employee Policies and Procedures Manual; and

WHEREAS, the Governance Committee of the Authority recommends adopting the revised Employee Policies and Procedures Manual;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority adopt the revised policies and procedures for inclusion in the Employee Policies and Procedures Manual; and be it further

RESOLVED: That the Secretary is hereby directed to include the newly revised policies and procedures in the Policy and Procedures Manual and is further directed to include the most recent revision dates on the first page of each document and update that date, as necessary.

Ayes:

Noes:

09/20/23-alh

**ITEM 18 - AUTHORIZATION FOR MARC BELLACOSE DISTRIBUTION ENGINEER
TO ATTEND THE AWWA WATER INFRASTRUCTURE CONFERENCE
IN PHILADELPHIA, PA**

Motion by seconded by

WHEREAS, on July 20, 2023, the Erie County Water Authority Board of Commissioners authorized Michael Quinn, Sr. Distribution Engineer to attend the AWWA Water Infrastructure Conference in Philadelphia, PA at a total estimated cost of \$1,990.00; and

WHEREAS, due to unforeseen circumstances, Mr. Quinn was unable to attend the conference; and

WHEREAS, due to payment for Mr. Quinn's registration and accommodations already completed, it was decided that it would be in the best interest of the Authority to send Marc Bellacose, Distribution Engineer, in place of Mr. Quinn;

NOW, THEREFORE, BE IT RESOLVED:

That Marc Bellacose 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:

09/20/23-alh

ITEM 19 - AUTHORIZATION TO DESIGNATE AND APPOINT ATTORNEY JOHN DELMONTE AS HEARING OFFICER FOR CIVIL SERVICE SECTION 75 HEARING

Motion by seconded by

WHEREAS, a Civil Service Section 75 hearing regarding employee Sharon Zajdel will be held on September 26, 2023 or at such time thereafter as may be determined; and

WHEREAS, pursuant to Section 75, Subdivision 2, the hearing shall be held by the officer or body having the power to remove the accused employee or by a deputy or other person designated in writing for that purpose by such officer or body;

NOW THEREFORE BE IT RESOLVED:

That the Erie County Water Authority’s Board of Commissioners (the “Board”) hereby designates and appoints in writing by this resolution attorney John Delmonte to serve as the hearing officer on behalf of the Board for the purpose of conducting the aforementioned hearing; and be it further

RESOLVED: that John Delmonte, who has been provided with the charges with respect to said hearing, is authorized to conduct said hearing, cause a transcript to be made of said hearing, and following his analysis, shall submit a record of said hearing to the Board, with his recommendations for review and decision.

Ayes:

Noes:

09/20/23-JPD:alh

ITEM 20 - AUTHORIZATION FOR RONALD NORMAN AND BRADLEY SCHREIBER, PUMP MECHANICS, TO ATTEND THE CLA-VAL CVU-101/201 TRAININGS IN BEAMSVILLE, ONTARIO

Motion by seconded by

WHEREAS, the Erie County Water Authority deems it advisable for Ronald Norman and Bradley Schreiber, pump mechanics, to attend the CLA-VAL CVU-101/201 training in Beamsville, Ontario at a total estimated cost of \$640.00;

NOW, THEREFORE, BE IT RESOLVED:

That Ronald Norman and Bradley Schreiber, pump mechanics, are hereby authorized to travel to Beamsville, Ontario from September 18, 2023 to September 20, 2023 to attend the CLA-VAL CVU-101/201 training at a total estimated cost of \$640.00.

Ayes:

Noes:

09/20/23-alh

**ITEM 21 - AUTHORIZATION TO RETAIN HODGSON RUSS LLP TO PROVIDE
LEGAL SERVICES TO REPRESENT AND FILE ON BEHALF OF THE
ERIE COUNTY WATER AUTHORITY**

Motion by seconded by

WHEREAS, Pursuant to Article V, Title 3, Section 1053 of the Public Authorities Law, the Erie County Water Authority (the "Authority") has the authority to appoint an attorney and may also from time to time contract for expert professional services; and

WHEREAS, Article V, Section 6 of the By-Laws of the Authority grants to the Authority the right to name and appoint from time to time an attorney or engineer and may also from time to time contract for expert professional services; and

WHEREAS, Terrence D. McCracken, Secretary to the Authority recommends retaining Hodgson Russ LLP to represent the Authority in connection with a potential lawsuit;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority hereby retains the expert professional services of Hodgson Russ LLP to provide legal counsel on behalf of the Authority in connection with a potential lawsuit; and be it further

RESOLVED: That the Chair is hereby authorized to retain the legal services of Hodgson Russ LLP to represent and file an action on behalf of the Authority.

Ayes:

Noes:

09/20/23-alh

ITEM 22 - APPROVAL OF AMENDMENT NO. 5 TO THE PROFESSIONAL SERVICES AGREEMENT WITH NEW YORK STATE INDUSTRIES FOR THE DISABLED, INC. AND THE ERIE COUNTY CHAPTER NYSARC, INC. D/B/A THE ARC ERIE COUNTY NEW YORK RELATING TO GENERAL CLEANING SERVICES FOR THE ERIE COUNTY WATER AUTHORITY SERVICE CENTER, 3030 UNION ROAD, CHEEKTOWAGA, NEW YORK, PROJECT NO. 202000211

Motion by seconded by

WHEREAS, on September 10, 2020, the Erie County Water Authority’s (the “Authority”) Board of Commissioners (the “Board”) awarded a Professional Services Agreement to the New York State Industries for the Disabled, Inc. (“NYSID”) and the Erie County Chapter NYSARC, Inc. d/b/a the ARC Erie County New York (“ARC”) to provide cleaning services at the Authority’s Service Center (the “Agreement”); and

WHEREAS, on November 10, 2021, the Authority authorized a one-year extension of the Agreement through August 31, 2022 pursuant to Amendment No. 1 to the Agreement; and

WHEREAS, on April 7, 2022, the Authority authorized a monthly rate increase pursuant to Amendment No. 2 to the Agreement; and

WHEREAS, on August 18, 2022, the Authority authorized an additional one-year extension of the Agreement through August 31, 2023; and

WHEREAS, on March 23, 2023, the Authority authorized a monthly rate increase pursuant to Amendment No. 4 to the Agreement; and

WHEREAS, in accordance with paragraph 3.02 of the Agreement, the parties may amend the Agreement by written amendment authorized by resolution of the Board; and

WHEREAS, in accordance with paragraph 5.01 of the Agreement, the parties may agree to extend the Agreement for four additional one-year terms, at mutually agreed upon terms; and

WHEREAS, the parties wish to extend the Agreement for the third additional one-year period from September 1, 2023 through August 31, 2024; and

WHEREAS, the Authority’s 2023 O&M Budget includes funds for this project under Unit 3070 Facilities, 19 Payments to Contractors - Other; and

NOW, THEREFORE, BE IT RESOLVED:

That the Board approves amending the Professional Services Agreement with NYSID and ARC to extend the Agreement for the third additional one-year period from September 1, 2023 through August 31, 2024 upon such terms agreed upon by the Authority’s General Counsel and NYSID; and be it further

RESOLVED: That the monthly rate of \$8,621.91 shall not increase from September 1, 2023 through August 31, 2024; and be it further

RESOLVED: That the Chair is hereby authorized to execute Amendment No. 5 on behalf of the Authority once it has been finalized and approved by the Authority's General Counsel.

Ayes:

Noes:

09/20/23-alh