

ITEM 1 - AUTHORIZATION TO ENTER INTO A CONFIDENTIALITY AND NON-DISCLOSURE LICENSING AGREEMENT WITH THE CITY OF TONAWANDA RELATING TO THE ERIE COUNTY WATER AUTHORITY'S GEOGRAPHICAL INFORMATION SYSTEM (GIS), PROJECT NO. 202300016

Motion by seconded by

WHEREAS, the City of Tonawanda (the "City") has approached the Erie County Water Authority (the "Authority") requesting use of the Authority's Geographical Information System ("GIS") data pertinent to the Authority's facilities within the City's limits; and

WHEREAS, in order to protect data and information tracking, plotting, or identifying properties and facilities of the critical water infrastructure owned, managed, or leased by the Authority, the Authority's Legal and Engineering departments (the "Departments") prepared a Confidentiality and Non-Disclosure Licensing Agreement (the "Agreement"); and

WHEREAS, the Departments respectfully request that the Board of Commissioners of the Authority (the "Board") approve of the Agreement and execution of same;

NOW, THEREFORE, BE IT RESOLVED:

That the Board approves the Agreement between the City and the Authority relating to the use of the Authority's GIS data pertinent to the Authority's facilities within the City's limits; and be it further

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

Ayes:

Noes:

12/14/23-alh

ITEM 2 - AUTHORIZATION TO EXECUTE A LEGAL SERVICES AGREEMENT WITH HARRIS BEACH PLLC TO PROVIDE EXPERT LEGAL SERVICES REGARDING ONGOING LITIGATION WITH THE TOWN OF ELMA

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 Harris Beach PLLC to represent the Authority in connection with ongoing litigation with the Town of Elma; and

WHEREAS, Harris Beach PLLC has submitted a legal services agreement offering to provide the abovementioned services;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority hereby retains the professional services of Harris Beach PLLC to provide legal counsel on behalf of the Authority in connection with ongoing litigation with the Town of Elma; and be it further

RESOLVED: That the Chair is hereby authorized to execute the legal services agreement submitted by Harris Beach PLLC.

Ayes:

Noes:

12/14/23-alh

ITEM 3 - 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 had requested that the Authority and any consultants or subconsultants execute a Right of Entry Agreement prior to permitting access to the property; and

WHEREAS, on July 20, 2023, the Authority and the Town executed a Right of Entry Agreement that is set to expire on December 31, 2023; and

WHEREAS, due to unforeseen circumstances, the project completion has been delayed until the spring/summer of 2024; and

WHEREAS, a new Right of Entry Agreement has been drafted with an expiration date of September 1, 2024 and the same terms and conditions as the original Agreement; and

WHEREAS, the Authority’s Legal and Engineering departments have reviewed the terms of the new Right of Entry Agreement (the “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 the Agreement;

NOW, THEREFORE, BE IT RESOLVED:

That the Board approves entering into the new Right of Entry 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 with an expiration date of September 1, 2024; and be it further

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

Ayes:

Noes:

ITEM 4 - AUTHORIZATION TO ENTER INTO A LEASE AGREEMENT WITH T-MOBILE NORTHEAST LLC FOR LEASING OF SPACE ON THE ERIE COUNTY WATER AUTHORITY'S WEHRLE TANK FOR WIRELESS COMMUNICATIONS

Motion by _____ seconded by _____

WHEREAS, T-Mobile Northeast LLC ("T-Mobile") desires to lease space on the Erie County Water Authority's (the "Authority") water tank known as the Wehrle Tank ("Wehrle Tank") located on a parcel of land with a street address of 450 Wehrle Drive, Amherst, New York; and

WHEREAS, the lease agreement originally entered into by the parties on July 11, 2022 (the "Prior Lease") was extended for three 5-year renewal terms and allowed to remain in effect during good-faith negotiations leading up to the completion of the New Lease Agreement (the "Agreement"); and

WHEREAS, the core terms of the Agreement are as follows:

1. Term- Five (5) years commencing retroactively on July 1, 2023 (the "Effective Date"), with two 5-year renewal terms (total of 15 years).
2. Rent- \$68,000.00 annually, with the first year's Rent payable within 30 days after full execution; each year thereafter the Rent is increased by 3% and due on the Anniversary Date of the Effective Date. There is also now a provision for the imposition of an enhanced Rent obligation of 150% over the last Rent amount for any period of time that T-Mobile remains on the Premises beyond the post-termination vacatur date (see Section 5. c.).
3. Performance Bond- T-Mobile has agreed to post and deliver a Performance Bond to secure the faithful performance of all its obligations in the sum of \$50,000.00 (Section 6. e.). The Tenant's posting of recourse security represents an important improvement of the Authority's legal posture in the event of a future default.
4. Premises Security (Sections 11, 12 and 13) and Insurance Compliance (Section 17)- all the provisions in these Sections have been significantly enhanced to meet the unique needs and requirements to protect the Authority's public infrastructure and its liability exposure against potential claims of serious bodily injury, death and/or property damages stemming from the Tenant's use and possession of the Premises. All these Sections have been either imposed for the first time or extensively revised and amended from those in the Prior Lease; and

WHEREAS, Mark S. Carney, General Counsel recommends to the Board the approval of this proposed agreement; and

NOW, THEREFORE, BE IT RESOLVED:

That the Authority enters into the Agreement with the T-Mobile for the leasing of space on the Authority's Wehrle Tank in Amherst, New York under the terms set forth in said lease agreement; and be it further

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

Ayes:

Noes:

12/14/23-alh

**ITEM 5 - LEAD AGENCY STATUS RELATIVE TO NEW OPERATIONS CENTER,
IDENTIFIED AS CONTRACT NO. LA-007, PROJECT NO. 202300077**

Motion by seconded by

WHEREAS, the Erie County Water Authority (“Authority”) currently has office space and operations space at three locations: (1) certain space and premises leased in the Ellicott Square Building located at 295 Main Street, Suite 350, Buffalo, New York ("Ellicott Square Building"); (2) certain space and premises owned at 3030 Union Road, Cheektowaga, New York ("Service Center") and (3) certain space owned at the Van de Water Water Treatment Plant in Tonawanda, New York; and

WHEREAS, the Authority maintains warehouse and storage space at the Service Center; and

WHEREAS, the Authority's lease for the Ellicott Square Building will expire on April 30, 2027, and may be terminated on either April 30, 2025, or April 30, 2026; and

WHEREAS, the Authority’s Executive Staff has determined that building a consolidated office and warehouse site for all Authority business would be to the benefit of the Authority and its ratepayers; and

WHEREAS, for purposes of potentially establishing a consolidated office and warehouse complex for the Authority’s business purposes to accomplish the foregoing, the Authority has acquired certain real property located at 5200 North American Drive, West Seneca, New York, SBL #135.11-1-1 (the "Project Site"); and

WHEREAS, the Authority has reviewed the below referenced proposed project contemplated to be constructed upon the Project Site to be undertaken in accordance with the New York State Environmental Conservation Law (“ECL”), including ECL Article 8, as well as associated regulations, including 6 N.Y.C.R.R Section 617.1 et seq. (“SEQRA”) which project consists of the construction and equipping of a new approximately 168,000 +/- square foot building containing a variety of offices, an auto shop, parts storage, a loading dock, a fuel island and a parking garage, two additional storage buildings consisting of an approximately 11,200 +/- square foot cold material storage facility and an approximately 8,500 +/- square foot gravel/salt storage facility, an approximately 150 +/- foot tall communications tower with an associated approximately 240 +/- square foot support building, and adjacent landscaped areas, picnic areas, bioretention ponds, a storm water detention pond and walking trails (collectively, the “Project”); and

WHEREAS, the Authority is required to review and evaluate the impact of the Project on the environment in accordance with applicable law, including under SEQRA to determine what impact the Project may have on the environment in accordance with SEQRA’s requirements; and

WHEREAS, the Project is a Type I Action under SEQRA, and the Authority has made plans for the completed part 1 of the Long Environmental Assessment Form (“EAF”) for the Project as well as other information and documentation to be prepared (“collectively the Lead Agency Notice”); and

WHEREAS, the Authority desires to establish and declare itself as the lead agency for the purpose of determining whether the proposed Project will result in one or more significant adverse impacts on the environment in accordance with SEQRA; and

WHEREAS, the Authority has determined to conduct a coordinated review of the Project under SEQRA, and as a result in accordance with applicable law and regulations it hereby directs Authority Staff and consultants to transmit the Lead Agency Notice to involved and interested agencies stating the Agency’s intent to act as SEQRA lead agency and to conduct a coordinated environmental review of the Project;

NOW THEREFORE BE IT RESOLVED:

1. Based on the foregoing, including each whereas clause herein which is treated the same as the other findings in this resolution, the Authority finds that the Project constitutes a Type I Action under SEQRA as referenced above.
2. The Authority has directed its consultants and staff to transmit the Lead Agency Notice along with the Authority’s stated intention to act as Lead Agency for the Project to interested and involved agencies, as appropriate, including part I of the EAF and other documents, and such Lead Agency Notice to invite interested and involved agencies to comment in accordance with SEQR regulations in this regard, to conduct a coordinated review of the Project.
3. The Authority further directs that Authority Staff and its consultants take any additional steps needed to carry out the items referenced in Section 2 above, and the Authority directs that notice of this resolution shall be filed and circulated to the extent required by applicable law.
4. Pursuant to applicable SEQRA procedure, if no other involved agency objects during the requisite 30-day time period, the Authority shall act as Lead Agency.
5. This resolution shall take effect immediately.

Ayes:

Noes:

12/14/23-HARRIS BEACH:alh

ITEM 6 - AUTHORIZATION TO ACCEPT THE CONSTRUCTION AND INSTALLATION OF APPROXIMATELY 1,910 LINEAR FEET OF EIGHT (8") INCH PVC (C-900), 80 LINEAR FEET OF EIGHT (8") INCH DIP, FIVE (5) HYDRANTS, NINE (9) LINE VALVES AND APPURTENANCES IN CANNON WOODS SUBDIVISION, PHASE 1, TOWN OF CLARENCE, NEW YORK, EC NO. 7262, PROJECT NO. 201900210

Motion by seconded by

WHEREAS, the Erie County Water Authority (the "Authority") entered into a Main Extension Agreement (Builder-Contractor-Developer) with Cannon Woods LLC. and Cimato Brothers Construction, Inc. relative to Cannon Woods Subdivision, Phase 1, Town of Clarence, New York, identified by Work Authorization No. 7262; and

WHEREAS, the Bill of Sale, dated November 7, 2023, and the Schedule of Inventory, dated November 7, 2023, have been approved by Leonard Kowalski, Executive Engineer and the construction and installation of approximately 1,910 linear feet of eight (8") inch PVC (C-900), 80 linear feet of eight (8") inch DIP, five (5) hydrants, nine (9) 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 Cannon Woods Subdivision, Phase 1, 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 1,910 linear feet of eight (8") inch PVC (C-900), 80 linear feet of eight (8") inch DIP, five (5) hydrants, nine (9) line valves and appurtenances and said mains, valves and hydrants be added to the property records of the Authority.

Ayes:

Noes:

12/14/23-alh

ITEM 7 - RESOLUTION OF THE ERIE COUNTY WATER AUTHORITY AGREEING TO PAY THE ADDITIONAL COSTS AND RESPONSIBILITIES OF THE CONSTRUCTION OF A BETTERMENT ON OR ALONG UNION ROAD/RTE. 277, TOWNS OF CHEEKTOWAGA AND WEST SENECA, NEW YORK, ERIE COUNTY, PIN NO. 5131.41, D265088, PROJECT NO. 202200057

Motion by seconded by

WHEREAS, the New York State Department of Transportation (“NYSDOT”) is undertaking a transportation project described as NY Route 277 (Union Rd) (S.H. 9215, S.H. 1733, S.H. 1733A, S.H. 1965, S.H. 1626), Towns of Cheektowaga and West Seneca, Erie County, PIN 5131.41, D265088 (the “Project”); and

WHEREAS, on February 10, 2022, the Erie County Water Authority (the “Authority”) awarded a Professional Services Agreement to Greenman-Pederson for the design of improvements to the water distribution system along the Union Road Corridor in the Towns of Cheektowaga and West Seneca; and

WHEREAS, on August 17, 2023, the Authority’s Board of Commissioners (the “Board”) approved entering into an agreement with the State of New York and through the Commissioner of Transportation to commit the Authority to maintain at its own expense the betterment on the above-referenced project; and that such agreement provides that maintenance shall include the repair and replacement of equipment and the operation of such (the “Betterment Agreement”); and

WHEREAS, the Betterment Agreement included a payment to the NYSDOT in the amount of \$381,500.00 for the estimated cost of the work; and

WHEREAS, as required, the Authority made the associated payment to the NYSDOT on August 21, 2023; and

WHEREAS, following the bidding process, the Authority was notified that the actual cost of the work would be \$399,192.16 resulting in a shortfall of \$17,692.16; and

WHEREAS, after reviewing the bid prices, the Engineering Department believes that the savings associated with this betterment will still be significant and recommends that the Board approve the payment of the additional costs and execute the associated HC-140; and

WHEREAS, the Authority’s 2023 and 2024 Capital Budgets include funds for this project under 2590 Eng/Const Distribution Mains, Item No. 101675 GP-011 Distribution System Upgrade;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority approves the additional cost of the Project to be performed by the State; and be it further

RESOLVED: That the Authority grants NYSDOT the authority to perform the adjustment set forth in the Betterment Agreement on the Authority's behalf; and be it further

RESOLVED: That the Authority shall maintain or cause to be maintained such highway betterment; and be it further

RESOLVED: That the Authority will deposit with the State Comptroller in a project escrow account the full amount of the additional cost of the betterment for payments by the State Comptroller for the municipal work; and be it further

RESOLVED: That in the event the cost exceeds the amount of the deposits the Authority shall within 90 days of the receipt of notice from the Commissioner pay the amount of such deficiency to the State Comptroller; and any excess of the deposit shall be paid to the Authority on the warrant of the State Comptroller on vouchers approved by the Commissioner after project close out; and be it further

RESOLVED: That the Authority hereby authorizes the Chair to enter into an agreement with the State of New York and through the Commissioner of Transportation to commit the Authority to maintain at its own expense the betterment on the above-referenced project; and that such agreement provides that maintenance shall include the repair and replacement of equipment and the operation of such betterment; and be it further

RESOLVED: That the Chair has the authority to sign, with the concurrence of the Authority, 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 to the Authority is hereby directed to transmit five certified copies of the foregoing resolution to Regional Utility Engineer Unit, New York State Department of Transportation – Region 5, 100 Seneca Street, Buffalo, New York, 14203.

Ayes:

Noes:

12/14/23-alh

ITEM 8 - APPROVAL OF AMENDMENT NO. 2 OF GHD CONSULTING SERVICES, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES FOR THE ERIE COUNTY WATER AUTHORITY'S GUENTHER PUMP STATION REHABILITATION, PROJECT NO. 201800138, IDENTIFIED AS CONTRACT NO. GHD-007 - \$272,752.00

Motion by seconded by

WHEREAS, on August 30, 2018, the Erie County Water Authority (the "Authority") awarded GHD Consulting Services, Inc. (the "Engineer") a professional service contract to provide engineering and consulting services relating to the rehabilitation and capital improvement of the Guenther Pump Station, identified as Contract No. GHD-007 (the "Contract"); and

WHEREAS, on May 21, 2020, the Authority and the Engineer entered into Amendment No. 1 to the Contract amending and expanding the Contract's scope of services; and

WHEREAS, at the time of Amendment No. 1, no adjustment was made to the Contract's budget for resident inspection and an inadequate adjustment was made to the budget for construction administration services as a result of the expanded scope of services as detailed in the Engineer's letter to the Authority dated October 13, 2023, and attached to, incorporated in this Amendment No. 2 as Appendix A; and

WHEREAS, the Engineer originally requested additional compensation of \$305,959.00 for the additional services it provided to the Authority as set forth in Appendix A; and

WHEREAS, following negotiations with the Engineer, the Authority's Chief Operating Officer and Executive Engineer recommend that the Authority amend the Contract by increasing the total compensation to the Engineer by \$272,752.00 which includes \$207,752.00 for resident inspection and \$65,000.00 for general services (construction administration); 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 (the "Board") and signed by all parties; and

WHEREAS, the Authority's 2023 Capital Budget includes funds for this project under 2520 Eng/Const Control, Item No. 101358 GHD-007 Guenther Rehab;

NOW, THEREFORE, BE IT RESOLVED:

That the Board approves amending the Contract with GHD by increasing the total compensation to GHD Consulting Services, Inc. by \$272,752.00 which includes \$207,752.00 for resident inspection and \$65,000.00 for general services (construction administration); and be it further

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

Ayes:

Noes:

12/14/23-alh

**ITEM 9 - APPROVAL OF AMENDMENT NO. 3 TO THE CONTRACT WITH
FREDERICK MACHINE & MANUFACTURING, INC. FOR MACHINING
AND FABRICATION SERVICES FOR THE REPAIR OF VARIOUS ERIE
COUNTY WATER AUTHORITY EQUIPMENT, PROJECT NO. 202000143**

Motion by seconded by

WHEREAS, on January 21, 2021, the Erie County Water Authority (the “Authority”) and Frederick Machine & Manufacturing, Inc. (the “Contractor”) entered into a contract for machining and fabrication services for the repair of various Authority equipment (the “Contract”); and

WHEREAS, on August 18, 2022, the Authority and the Contractor entered into Amendment No. 1 to the Contract increasing total costs allowable under the Contract; and

WHEREAS, on December 15, 2022, the Authority and the Contractor entered into Amendment No. 2 to the Contract extending the terms of the Contract until December 31, 2023; and

WHEREAS, the terms of the Contract, as amended by Amendment No. 1, limit the total expenditure for services and materials to \$263,598.50; and

WHEREAS, the Authority’s Chief Operating Officer and Executive Engineer recommend that the Authority amend the Contract by increasing the total expenditure for services and materials to \$463,598.50; and

WHEREAS, in accordance with paragraph 6.01 of the Contract, the parties may agree in writing to extend the term of the Contract for two (2) additional one-year terms, under the same terms and conditions; and

WHEREAS, the Authority’s Chief Operating Officer and Executive Engineer recommend that the Authority amend the Contract by extending the Contract completion date to December 31, 2024; and

WHEREAS, in accordance with paragraph 4.02 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 (the “Board”) and signed by all parties; and

WHEREAS, the Contractor has agreed to extend the term of the Contract until December 31, 2024, upon the same terms and conditions, including pricing set forth in Article 3 of the Contract; and

WHEREAS, the Authority’s 2023 and 2024 O&M Budgets include funds for this project under Unit 1020 Control Operations, Item No. 19 Payments to Contractors - Other;

NOW, THEREFORE, BE IT RESOLVED:

That the Board approves amending the Contract with Frederick Machine & Manufacturing, Inc. by extending the Contract completion date to December 31, 2024; and be it further

RESOLVED: That the Board approves amending the Contract with Frederick Machine & Manufacturing, Inc. by increasing total expenditure for services and materials to \$463,598.50; and be it further

RESOLVED: That the Chair is authorized to execute Amendment No. 3 on behalf of the Authority.

Ayes:

Noes:

12/14/23-alh

ITEM 10 - RATIFICATION OF THE INSTALLATION OF HYDRANTS AND VALVES AND RETIREMENT OF EXISTING HYDRANTS AND VALVES - VARIOUS LOCATIONS

Motion by seconded by

WHEREAS, the Engineering Department of the Erie County Water Authority (the "Authority") advised that hydrants and valves were installed as part of the Authority's program to keep pace with improvements in firefighting technology, as follows:

Replace existing 5' hydrant at 578 Dick Road, Town of Cheektowaga with a new 6' Kennedy K81 hydrant on 03/23/2023. Work done by ECWA forces under Work Authorization No. 107.200 7344.

Hydrant originally installed in 1971 was scrapped and retired under Retirement Authorization No. R230030.

Removed existing 5' hydrant at Dick Road and George Urban Boulevard, Town of Cheektowaga on 03/15/2023. Work done by ECWA forces under Work Authorization No. 107.200 7341.

Hydrant originally installed in 1971 was scrapped and retired under Retirement Authorization No. R230028.

Replace existing 5' hydrant at Terrace Boulevard and Bloomfield Avenue, Village of Depew with a new Kennedy K81 hydrant on 05/04/2023. Work done by ECWA forces under Work Authorization No. 107.200 7343.

Hydrant originally installed in 1982 was scrapped and retired under Retirement Authorization No. R230029.

Replace existing 4" valve at Gates Avenue and Steel Street, City of Lackawanna with a new 4" resilient seat valve on 03/20/2023. Work done by ECWA forces under Work Authorization No. 107.200 7339.

Valve originally installed in 1925 was scrapped and retired under Retirement Authorization No. R230026.

Replace existing 6" valve at 194 Wagner Avenue, Village of Sloan with a new 6" resilient seat valve on 03/20/2023. Work done by ECWA forces under Work Authorization No. 107.200 7340.

Valve originally installed in 1927 was scrapped and retired under Retirement Authorization No. R230027.

Replace existing 6" valve at Ridgedale Circle and Luksin Drive, City of Tonawanda with a new 6" resilient seat valve on 04/26/2023. Work done by ECWA forces under Work Authorization No. 107.200 7336.

Valve originally installed prior to 08/18/2004 was scrapped and retired under Retirement Authorization No. R230023.

Replace existing 6" valve at Follette Lane and Luksin Drive, City of Tonawanda with a new 6" resilient seat valve on 04/25/2023. Work done by ECWA forces under Work Authorization No. 107.200 7337.

Valve originally installed prior to 08/18/2004 was scrapped and retired under Retirement Authorization No. R230024.

Replace existing 6" valve at 7 Avalon Drive, Town of Amherst with a new 6" resilient seat valve on 06/05/2023. Work done by ECWA forces under Work Authorization No. 107.200 7348.

Valve originally installed in 1927 was scrapped and retired under Retirement Authorization No. R230033.

Replace existing 5' hydrant at Concord Place c/o Kensington Avenue, Town of Amherst with a 5' Kennedy K81 hydrant on 05/02/2023. Work done by ECWA forces under Work Authorization No. 107.200 7351.

Hydrant originally installed in 1928 was scrapped and retired under Retirement Authorization No. R230036.

Replace existing 5' hydrant at 11 Nassau Lane, Town of Cheektowaga with a new 5' Kennedy K81 hydrant on 08/08/2023. Work done by ECWA forces under Work Authorization No. 107.200 7350.

Hydrant originally installed in 1974 was scrapped and retired under Retirement Authorization No. R230035.

Removed existing 16" valve at 3887 Old Broadway, Town of Cheektowaga on 08/10/2023. Work done by ECWA forces under Work Authorization No. 107.200 7347.

Hydrant originally installed in 1925 was scrapped and retired under Retirement Authorization No. R230032.

Installed a new 2" valve at Charnwood Court and Charnwood Drive, Town of Cheektowaga on 05/23/2023. Work done by ECWA forces under Work Authorization No. 107.200 7345.

Replace existing 6' hydrant at 5200 South Park Avenue, Town of Hamburg with a new 6' Kennedy hydrant on 05/18/2023. Work done by ECWA forces under Work Authorization No. 107.200 7352.

Hydrant originally installed prior to 07/14/2011 was scrapped and retired under Retirement Authorization No. R230037.

Replace existing 6” valve at Manhasset Street and Edson Street, Town of West Seneca with a new 6” resilient seat valve on 05/05/2023. Work done by ECWA forces under Work Authorization No. 107.200 7346.

Valve originally installed in 1905 was scrapped and retired under Retirement Authorization No. R230031.

Replace existing 5’ hydrant at Roxbury Drive and Wehrle Drive, Town of Clarence with a new 5’ Kennedy K81 hydrant on 07/27/2023. Work done by ECWA forces under Work Authorization No. 107.200 7359.

Hydrant originally installed prior to 10/01/1999 was scrapped and retired under Retirement Authorization No. R230044.

Replace existing 6’ hydrant at 8675 Sheridan Drive, Town of Clarence with a new 6’ Kennedy K81 hydrant on 08/07/2023. Work done by ECWA forces under Work Authorization No. 107.200 7356.

Hydrant originally installed prior to 10/01/1999 was scrapped and retired under Retirement Authorization No. R230041.

Replace existing 5’ hydrant at 9415 Wolcott Road, Town of Clarence with a new Kennedy K81 hydrant on 09/13/2023. Work done by ECWA forces under Work Authorization No. 107.200 7357.

Hydrant originally installed prior to 10/01/1999 was scrapped and retired under Retirement Authorization No. R230042; and

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:

12/14/23-alh

ITEM 11 - CREATION OF FOUR POSITIONS OF ACCOUNT CLERK

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 four positions of Account Clerk, Salary Grade 5 at a starting salary of \$50,743.68 of the Authority’s Career and Salary Plan, effective December 14, 2023; and be it further

RESOLVED: On December 6, 2023, the Erie County Department of Personnel reviewed and approved the above creations.

Ayes:

Noes:

12/14/23-alh

ITEM 12 - SALARY INCREMENTS - JANUARY 1, 2024

Motion by seconded by

WHEREAS, the Erie County Water Authority adopted a Career and Salary Plan for its employees, which, among other things, provides a five-step wage and salary increment schedule; said increments shall be granted after due consideration of merit and quality of individual performance; and

WHEREAS, the compensation for each increment shall be as specified in the salary schedules for each specific salary grade;

NOW, THEREFORE, BE IT RESOLVED:

That the awarding of salary increments to the employees listed on the attached sheet in their respective salary grades and to the steps listed on their increment anniversary, namely January 1, 2024 is hereby approved; and be it further

RESOLVED: That the Comptroller is hereby directed to pay said increments in accordance with the amendment to the Career and Salary Plan herein described.

Ayes:

Noes:

12/14/23-alh

ITEM 13 - FIRST LONGEVITY INCREMENTS - JANUARY 1, 2024

Motion by seconded by

WHEREAS, by Item No. 2 of the Minutes of the Meeting of January 31, 1963, the Erie County Water Authority adopted the following amendment to its Career and Salary Plan to provide for a longevity increment:

When an employee holding a position allocated to a salary grade prescribed in the Erie County Water Authority's Career and Salary Plan, adopted by resolution of the Authority dated October 11, 1956, has reached, by or after January 1, 1964, a salary equal to or in excess of the maximum salary grade of the grade of his/her position, a position in the same salary grade for a period of five (5) years in the aggregate, he/she shall be entitled on the first day of the fiscal year following completion of such service, to receive an additional increment of the grade to which his/her position is allocated, provided, however, that the salary of such employee shall not be increased pursuant to this provision to an amount in excess of the maximum salary of the grade of his/her position plus one additional increment of such grade; and

WHEREAS, the employees listed on the attached sheet are entitled to a first longevity increment inasmuch as the date of their last regular increment was four years or more; and

WHEREAS, the compensation for each increment shall be as specified in the salary schedules for each specific salary grade;

NOW, THEREFORE, BE IT RESOLVED:

That the awarding of first longevity increments to the employees listed on the attached sheet in the grade to which their positions are allocated commencing January 1, 2024 in accordance with the aforementioned amendment to the Career and Salary Plan is hereby approved; and be it further

RESOLVED: That the Comptroller is hereby directed to pay said increments in accordance with the amendment to the Career and Salary Plan herein described.

Ayes:

Noes:

12/14/23-alh

ITEM 14 - ADDITIONAL LONGEVITY INCREMENTS - JANUARY 1, 2024

Motion by seconded by

WHEREAS, by resolution identified as Item No. 27 of the Minutes of the Meeting of April 1, 1969, the Erie County Water Authority (the “Authority”) adopted the amendment to its Career and Salary Plan for hourly-rated employees in Sub Grade 1 through Grade 6, inclusive, to provide, among other things, a second longevity increment; and

WHEREAS, said increment is as follows:

When an employee has received his/her first longevity increment in accordance with the provisions of Item No. 2 of the Minutes of the Meeting of January 31, 1963, and continues in the same position for an additional five (5) years without increments, he /she shall be entitled, on such first day of the fiscal year following completion of such service, to receive a second longevity increment of the grade to which his/her position is allocated, provided, however that the salary of such employee shall not be increased pursuant to this provision to an amount in excess of the maximum salary of the grade of his/her position plus two additional increments in such grade; and

WHEREAS, by resolution identified as Item No. 31 of the Minutes of the Meeting of February 10, 1970, the Authority amended its Career and Salary Plan for annual salaried employees in Grade 1 through 36 inclusive, to provide the aforementioned second longevity increment to these employees; and

WHEREAS, by resolution identified as Item No. 6 of the Minutes of the Meeting of April 1, 1971, the Authority authorized a third longevity increment to be provided after an employee continues in the same position for an additional five (5) years without increments; said increment shall not exceed the salary grade of the position to an amount in excess of the maximum salary of the grade plus three (3) additional increments of such grade; and

WHEREAS, by resolution identified as Item No. 27 of the Minutes of the Meeting of March 12, 1987, the Authority authorized a fourth longevity step for employees in the white-collar bargaining unit and employees not eligible for membership in a collective bargaining unit; said increment to be provided after an employee is in the same salary grade for an additional five (5) years without increments after receiving his/her third longevity increment; and

WHEREAS, by resolution identified as Item No. 38 of the Minutes of the Meeting of July 9, 1987, the Authority authorized the aforementioned fourth longevity step under the same conditions for employees in the Blue Collar Bargaining Unit; and

WHEREAS, by resolution identified as Item No. 22 of the Minutes of the Meeting of September 9, 1999, the Authority authorized a fifth longevity step and reduced the interval from five (5) years to four (4) years for employees in the White Collar Bargaining Unit; and

WHEREAS, that the employees listed on the attached sheet are entitled to additional longevity increments effective January 1, 2024 in accordance with the terms of the Authority's Career and Salary Plan; and

WHEREAS, the compensation for each increment shall be as specified in the salary schedules for each specific salary grade;

NOW, THEREFORE, BE IT RESOLVED:

That the awarding of additional longevity increments to the employees listed on the attached sheet in the grades to which their positions are allocated commencing January 1, 2024 in accordance with the aforementioned amendment to the Career and Salary Plan is hereby approved; and be it further

RESOLVED: That the Comptroller is hereby directed to pay said increments to the above employees.

Ayes:

Noes:

12/14/23-alh

**ITEM 15 - AUTHORIZATION TO AMEND THE WAGE SCHEDULE FOR
BI-WEEKLY EMPLOYEES NOT ELIGIBLE FOR MEMBERSHIP IN A
COLLECTIVE BARGAINING UNIT**

Motion by seconded by

WHEREAS, the Erie County Water Authority (the "Authority") annually amends by resolution the wage schedule for all non-representative employees whose positions have been classified as managerial and/or confidential; and

WHEREAS, the Secretary to the Authority (the "Secretary") and the Chief Financial Officer (the "CFO") are proposing and recommending changes to the previously adopted wage schedule to become effective January 1, 2024; and

WHEREAS, the Secretary and the CFO recommend a salary increase of 2.75% for all non-represented employees, as well as some salary grade changes for salaried positions; and

WHEREAS, these proposed changes are based on the salary line in the 2024 Operating and Maintenance Budget reviewed and adopted by the Board of Commissioners of the Authority (the "Board");

NOW, THEREFORE, BE IT RESOLVED:

That Board approves and adopts the 2024 Wage Schedule for all Non-Represented Positions effective January 1, 2024 as proposed and recommended by the Secretary and the CFO.

Ayes:

Noes:

12/14/23-alh

**ITEM 16 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER
AUTHORITY'S TARIFF**

Motion by seconded by

WHEREAS, the Act creating the Erie County Water Authority (the "Authority") and the General Bond Resolutions establishing issuance of all Authority bonds mandate: that the Authority maintain rates and fees sufficient to operate and maintain the waterworks system; to pay the principal and interest on its Revenue Bonds as they become due and payable; and to maintain reserves for capital improvements as well as for all obligations and indebtedness of the Authority; and

WHEREAS, the Authority's Executive and Senior Staff have the responsibility to review, analyze and make recommendations relative to charges and procedures contained in the Authority's Tariff; and

WHEREAS, Terrence D. McCracken, Secretary to the Authority, Mark S. Carney, General Counsel, Joyce A. Tomaka, Chief Financial Officer and Charles E. Eaton, Chief Operating Officer have reviewed the above recommendations and changes and concur with them; and

WHEREAS, after considering all the above recommendations, the Authority has determined that for the best interest of the public to maintain its quality water supply that the Tariff should be amended as set forth in the attached Schedule "A";

NOW, THEREFORE, BE IT RESOLVED:

That the Authority's Tariff, as previously amended, is hereby revised and amended in accordance with Schedule "A" attached hereto and made part hereof, to become effective at 12:01 a.m. January 1, 2024; and be it further

RESOLVED: That the Secretary to the Authority is hereby authorized and directed to file in the office of the Clerk of the County of Erie a duly certified copy of this resolution along with a copy of the revised pages to the Tariff and to publish a copy of these amendments authorizing the abovementioned changes in two newspapers having a general circulation in the County pursuant to Section 1054, Subdivision 10, of the Public Authorities Law; and be it further

RESOLVED: That the Secretary to the Authority, is further directed to forward a copy of this resolution along with a copy of the revised pages of the Tariff to the Town, Village or City Clerks of each of the towns, villages or cities receiving water from the Authority and that the Secretary to the Authority is further directed to furnish a duly certified copy of this resolution along with a copy of the revised pages of the Tariff to all Fiscal Agents named in the Authority's Bond Resolutions; and be it further

RESOLVED: The Board of Commissioners directs the Secretary of the Authority to post the amended Tariff on the Authority's website.

Ayes:

Noes:

12/14/23-alh

SCHEDULE "A"

AMENDMENTS TO THE ERIE COUNTY WATER AUTHORITY'S TARIFF TO BECOME EFFECTIVE AT 12:01 A.M. JANUARY 1, 2024

UNDERLINED PORTIONS INDICATE NEW MATERIAL
PORTIONS IN BRACKETS [] INDICATE DELETIONS

2.00 AVAILABILITY AND TYPES OF SERVICE

2.31 Water service may be discontinued by the Authority for any one of the following reasons:

- F. For refusal of reasonable access to the property for the purpose of reading, repairing, replacing, testing or removing meters or backflow preventers, or of replacing service lines containing lead or galvanized requiring replacement, or of observing water pipes and other fixtures.

- H. For failure to properly operate and maintain all customer owned facilities including but not limited to service pipes, meter pits, tile settings, backflow preventer enclosures and backflow prevention devices, or for failure to replace a lead service line or galvanized requiring replacement line as directed by the Authority.