

**ITEM 1 - AUTHORIZATION TO EXECUTE A WAIVER OF CONFLICT WITH
HODGSON RUSS LLP RELATIVE TO WEHRLE CELL TOWER LEASE
EXTENSION WITH UPSTATE CELLULAR NETWORK d/b/a VERIZON
WIRELESS**

Motion by seconded by

WHEREAS, on September 20, 2023, the Erie County Water Authority’s (the “Authority”) Board of Commissioners (the “Board”) authorized the Authority to retain Hodgson Russ LLP to provide legal counsel on behalf of the Authority in connection with a potential lawsuit; and

WHEREAS, Upstate Cellular Network d/b/a Verizon Wireless (“Verizon”) has requested to retain Hodgson Russ LLP in connection with the extension of a telecommunication lease agreement with the Authority; and

WHEREAS, although Hodgson Russ LLP is outside counsel to the Authority, it does not provide legal services in connection to telecommunication lease agreements; and

WHEREAS, Mark S. Carney, General Counsel recommends waiving this conflict as it is in the best interest of the Authority due to the Authority’s ongoing working relationship with Hodgson Russ LLP; and

NOW, THEREFORE, BE IT RESOLVED:

That the Board approves waiving the conflict with Hodgson Russ LLP relative to Wehrle Cell Tower Lease Extension with Upstate Cellular Network d/b/a Verizon Wireless; and be it further

RESOLVED: That the Chair is hereby authorized to execute a Waiver of Conflict with Hodgson Russ LLP.

Ayes:

Noes:

04/17/24-alh

ITEM 2 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH HAZEN AND SAWYER TO PROVIDE CONSULTING ENGINEERING SERVICES FOR MISCELLANEOUS ELECTRICAL ENGINEERING SERVICES 2024-2025, IDENTIFIED AS CONTRACT NO. HS-005, PROJECT NO. 202400058

Motion by seconded by

WHEREAS, the Erie County Water Authority's (the "Authority") recently issued a Request for Proposals (the "RFP") to qualified firms to provide consulting engineering services for Miscellaneous Electrical Engineering Services 2024-2025; and

WHEREAS, A copy of the RFP was sent to the following firms:

Arcadis
Hazen and Sawyer
Hunt
Nussbaumer & Clarke, Inc.
Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, PC
("Wendel"); and

WHEREAS, two (2) proposals were received from Hazen and Sawyer and Wendel; and

WHEREAS, the RFP was also posted on the Authority's website which resulted in an additional four (4) responses from C&S Engineers, Inc., Labella Associates, DPC, LiRo Engineers, Inc., and Popli, Architecture + Engineering & LS, DPC, d/b/a Popli Design Group; 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 thorough review, Michael J. Quinn, Sr. Distribution Engineer and Leonard F. Kowalski, Executive Engineer recommend that the Authority enter into a Professional Services Agreement with Hazen and Sawyer to provide Consulting Engineering Services for Miscellaneous Electrical Engineering Services 2024-2025; and

WHEREAS, the Authority's 2024 O&M Budget includes funds for this project under Unit 1010 Sturgeon Point Plant, Item No. 17 – Payment to Contractors-Elect., Unit 1015 Van de Water Plant, Item No. 17 – Payment to Contractors-Elect., and Unit 1020 Control Operations, Item No. 17 – Payment to Contractors-Elect;

NOW, THEREFORE, BE IT RESOLVED:

That the Board of Commissioners accepts the proposal of Hazen and Sawyer to provide Consulting Engineering Services for Miscellaneous Electrical Engineering Services 2024-2025, identified as HS-005; and be it further

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

Ayes:

Noes:

04/17/24-alh

ITEM 3 - AUTHORIZATION TO EXECUTE A SERVICE AGREEMENT WITH TIME WARNER CABLE NORTHEAST, LLC D/BA SPECTRUM ENTERPRISE 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 SCADA system utilizes its communication network to relay vital information from the Authority’s pump stations regarding the status of the pumps; and

WHEREAS, the Authority and the Town of Evans agree an additional connection with Spectrum is needed at the Evans Tank and Pump Station to provide network connectivity and ensure constant monitoring of the pumps; and

WHEREAS, Spectrum will bill the Town of Evans for any charges incurred for the installation of the circuit; and

WHEREAS, the proposed Service Agreement is for five (5) years and the Authority would be responsible for the monthly connectivity charge of \$1,125.00; and

WHEREAS, the pricing for the new service follows the NYS OGS Contract; and

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

WHEREAS, the Authority’s 2024 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 approves entering into a Service Agreement with Spectrum for the abovementioned services; and be it further

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

Ayes:

Noes:

04/17/24-alh

ITEM 4 - AWARD OF CONTRACT TO E&R GENERAL CONSTRUCTION, INC. FOR WATER SYSTEM IMPROVEMENTS, UNION ROAD CORRIDOR DISTRIBUTION SYSTEM, TOWNS OF WEST SENECA AND CHEEKTOWAGA, IDENTIFIED AS CONTRACT NO. GP-011, PROJECT NO. 202200057 - \$816,765.00

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 22nd day of February 2024, a notice inviting sealed bids in accordance with Public Authorities Law §1069 for Water System Improvements, Union Road Corridor Distribution System, Towns of West Seneca and Cheektowaga, identified as Contract No. GP-011; and

WHEREAS, Authority personnel opened sealed bids in the office of the Authority on the 19th day of March 2024, at 10:00 a.m., local time, and were as follows:

BIDDERS	AMOUNT
E&R General Construction, Inc.	\$ 816,765.00
Concrete Applied Technologies Corp. (CATCO)	887,470.00
716 Site Contracting, Inc.	1,168,900.00**

**Corrected Amount; and

WHEREAS, Michael J. Quinn, Sr. Distribution Engineer and Leonard F. Kowalski, Executive Engineer have reviewed the specifications and bids and determined that E&R General Construction, Inc. is the lowest bidder qualified to perform the project and have recommended that a contract be awarded to that firm for the abovementioned project; and

WHEREAS, the Authority applied for a grant under the Congressional Community Project Funding Program for the abovementioned project with such funding adopted by both houses of Congress in an omnibus appropriations bill in March 2024 and subsequently signed into law by the President of the United States; and

WHEREAS, the Authority’s 2024 Capital Budget includes funds for this project under Unit 2590 Eng/Const Distribution Mains, Item No. 101675 GP-011 Distribution System Upgrade minus any grant monies, if any, received by the Authority;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority awards the contract to E&R General Construction, Inc. as the lowest responsible bidder for the abovementioned project, and be it further

RESOLVED: That the Chair is authorized to execute a contract with E&R General Construction, Inc. for Water System Improvements, Union Road Corridor Distribution System, Towns of West Seneca and Cheektowaga, identified as Contract No. GP-011, as a unit price contract for the estimated total amount of \$816,765.00.

Ayes:
Noes:

04/17/24-alh

ITEM 5 - APPROVAL OF CHANGE ORDER NO. 2 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. 202000084 - \$200,000.00

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, on September 20, 2023, the Authority approved Amendment No. 1 (“Change Order No. 1”) to the Contract which extended 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

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 Contractor has submitted Change Order No. 2 in the sum of \$200,000.00 to provide for soil sampling and material handling of potentially contaminated soils and buried trash encountered during the installation of the transmission main; and

WHEREAS, the parties wish to amend the Contract to extend the Substantial Completion Date from May 15, 2024 to November 1, 2024 and the Final Completion Date from June 30, 2024 to December 31, 2024; and

WHEREAS, Michael J. Quinn, Sr. Distribution Engineer and Leonard F. Kowalski, Executive Engineer recommend approval of said Change Order No. 2; and

WHEREAS, the Authority’s 2024 Capital Budget includes funds for this project under Unit 2595 Eng/Const Transmission Mains Item No. 101521 MP-084 Trans Main Replacement;

NOW, THEREFORE, BE IT RESOLVED:

That Change Order No. 2 of Concrete Applied Technologies, Corp. d/b/a CATCO in the amount of \$200,000.00 to provide for the abovementioned change be approved and to extend the Substantial Completion Date from May 15, 2024 to November 1, 2024 and the Final Completion Date from June 30, 2024 to December 31, 2024; and be it further

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

Ayes:

Noes:

ITEM 6 - APPROVAL OF AMENDMENT NO. 2 TO THE CONTRACT WITH KEMIRA WATER SOLUTIONS, INC. FOR FURNISHING AND DELIVERING OF POLYALUMINUM CHLORIDE COAGULANT TO THE ERIE COUNTY WATER AUTHORITY FOR THE TREATMENT OF WATER, IDENTIFIED AS CONTRACT NO. 22-21-05, PROJECT NO. 202200031

Motion by _____ seconded by _____

WHEREAS, on May 19, 2022 the Erie County Water Authority’s (the "Authority") Board of Commissioners (the “Board”) approved entering into a contract with Kemira Water Solutions, Inc. (“Kemira”) for Furnishing and Delivering of Polyaluminum Chloride Coagulant to the Erie County Water Authority for the Treatment of Water, identified as Contract No. 22-21-05, (the “Contract”); and

WHEREAS, the Contract provides for the furnishing and delivering of polyaluminum chloride coagulant (“PACI”) to the Authority, as ordered, from July 1, 2022 until June 30, 2023; and

WHEREAS, on June 22, 2023, the Authority and Kemira entered into Amendment No. 1 increasing the price of liquid pound of PACI to \$0.233 and extending the term of the Contract through June 30, 2024; and

WHEREAS, in accordance with article 5, paragraph 5.02 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 and signed by all parties; and

WHEREAS, the parties wish to extend the Contract for an additional one-year period from July 1, 2024 until June 30, 2025 pursuant to article 1, paragraph 1.04 of the Contract, based on the same terms and conditions set forth in the Contract and Amendment No. 1; and

WHEREAS, Michael W. Wymer, Senior Production Engineer and Leonard F. Kowalski, Executive Engineer recommend approval of said Amendment No. 2; and

WHEREAS, the Authority’s 2024 O&M Budget includes funds for this project under Unit 1010 Sturgeon Point, Item No. 13 Chemicals and Unit 1015 Van de Water, Item No. 13 Chemicals;

NOW, THEREFORE, BE IT RESOLVED:

That Board approves amending the Contract with Kemira Water Solutions, Inc. to the extend the term of the Contract until June 30, 2025, based on the same terms and conditions as set forth in the Contract and Amendment No. 1; and be it further

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

Ayes:

Noes:

ITEM 7 - AUTHORIZATION TO EXECUTE AMENDMENT NO. 3 TO THE PROFESSIONAL SERVICES AGREEMENT WITH RAFTELIS FINANCIAL CONSULTANTS, INC. TO PROVIDE FINANCIAL SERVICES RELATING TO COST OF SERVICE ANALYSIS, RATE MODELING AND FINANCIAL FEASIBILITY ANALYSIS, PROJECT NO. 202000129

Motion by seconded by

WHEREAS, on April 30, 2020, the Erie County Water Authority (the "Authority") awarded Raftelis Financial Consultants, Inc. (the "Consultant") a Professional Services Agreement to provide financial services including financial planning and rate assessment, as well as debt issuance support for a three-year term, beginning April 1, 2020 (the "Agreement"); and

WHEREAS, on July 30, 2020, the Authority and the Consultant entered into Amendment No. 1 adding a billing rate of \$155 for an Associate; and

WHEREAS, on February 2, 2023, the Authority and the Consultant entered into Amendment No. 2 extending the term of the Agreement through March 31, 2024; 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 and authorized by a resolution of the Board of Commissioners of the Authority (the "Board") and signed by all parties; and

WHEREAS, in accordance with Article 5, Paragraph 5.01 of the Agreement, the parties may extend the term of the Agreement for two additional one-year terms, upon mutually agreed upon terms; and

WHEREAS, the parties wish to extend the Agreement for an additional one-year period from April 1, 2024 through March 31, 2025 pursuant Article 5, Paragraph 5.01 of the Agreement, based on the same terms and conditions as set forth in the Agreement and Amendment No. 1; and

WHEREAS, Joyce A. Tomaka, Chief Financial Officer recommends executing Amendment No. 3; and

WHEREAS, the Authority's O&M Budget includes funds for this project under Unit 7510 General Expenses, Item No. 20 Miscellaneous;

NOW, THEREFORE, BE IT RESOLVED:

That the Board approves amending the Agreement with Raftelis Financial Consultants, Inc. to extend the Agreement for an additional one-year period from April 1, 2024 through March 31, 2025, based on the same terms and conditions as set forth in the Agreement and Amendment No. 1; and be it further

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

Ayes:

Noes:

04/17/24-alh

ITEM 8 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2024 – WATER SYSTEM IMPROVEMENTS, TOWN OF AMHERST, IDENTIFIED AS CONTRACT BL-002, PROJECT NO. 202100032 - \$100,000.00

Motion by _____ seconded by _____

WHEREAS, in a resolution dated October 19, 2023, the Erie County Water Authority (the "Authority") adopted its annual capital budget for the fiscal year 2024; and

WHEREAS, from time to time, due to changes in spending priorities, availability of funds, or changes in other circumstances, the Authority finds it proper to amend its budget to reflect such changes; and

WHEREAS, the Authority has been advised by Michael Quinn, Senior Distribution Engineer, funding is needed for budget item 101592 BL-002 Waterline Replacement; 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>
2590	101592	BL-002 Waterline Replacement	<u>\$ 100,000</u>	
2595	101362	W-030 Transmission Main Replacement		<u>\$ 100,000</u>
Totals			\$ 100,000	\$ 100,000;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority's annual capital budget for the fiscal year 2024 be amended as listed above.

Ayes:

Noes:

04/17/24-JRB:alh

ITEM 9 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2024 – WATER SYSTEM IMPROVEMENTS, UNION ROAD CORRIDOR DISTRIBUTION SYSTEM, TOWNS OF WEST SENECA AND CHEEKTOWAGA, IDENTIFIED AS CONTRACT NO. GP-011, PROJECT NO. 202200057 - \$860,000.00

Motion by _____ seconded by _____

WHEREAS, in a resolution dated October 19, 2023, the Erie County Water Authority (the "Authority") adopted its annual capital budget for the fiscal year 2024; and

WHEREAS, from time to time, due to changes in spending priorities, availability of funds, or changes in other circumstances, the Authority finds it proper to amend its budget to reflect such changes; and

WHEREAS, the Authority has been advised by Michael Quinn, Senior Distribution Engineer, additional funding is needed in the 2024 capital budget for item 101675 GP-011 Distribution System Upgrade – Union Road Corridor; and

WHEREAS, the Authority applied for a grant under the Congressional Community Project Funding Program for the abovementioned project with such funding adopted by both houses of Congress in an omnibus appropriations bill in March 2024 and subsequently signed into law by the President of the United States; and

WHEREAS, in order to provide the necessary 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>
2590	101675	GP-011 Distribution System Upgrade	\$ <u>860,000</u>	
2590	101676	Distribution Project G		\$ 660,000
2595	101362	W-030 – Transmission Main Replacement		<u>200,000</u>
Totals			\$ 860,000	\$ 860,000; and

WHEREAS, grant monies when received by the Authority will be reallocated to the capital budget;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority's annual capital budget for the fiscal year 2024 be amended as listed above.

Ayes:
Noes:

04/17/24-JRB:alh

ITEM 10 - KATHERINE A. GILLETTE - APPOINTMENT AS SENIOR ASSOCIATE ATTORNEY

Motion by seconded by

WHEREAS, Pursuant to Article V, Title 3, Section 1053 of the Public Authorities Law, the Erie County Water 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 qualification, 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 County 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 Katherine A. Gillette, be appointed to the position of Senior Associate Attorney; said appointment being subject to the approval of the Erie County Personnel Office, and to be compensated under Salary Grade 36E, Step 1 with a salary of \$174,555.68 of the Authority's Career and Salary Plan, effective April 1, 2024.

Ayes:

Noes:

04/17/24-alh

ITEM 11 - BRITTANYLEE PENBERTHY - APPOINTMENT AS ASSOCIATE ATTORNEY (PART-TIME)

Motion by seconded by

WHEREAS, Pursuant to Article V, Title 3, Section 1053 of the Public Authorities Law, the Erie County Water 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 qualification, 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 County 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 Brittanylee Penberthy, be appointed to the position of Associate Attorney (Part-Time); said appointment being subject to the approval of the Erie County Personnel Office, and to be compensated at a rate of \$100.00 per hour, not to exceed nineteen hours (19) per biweekly pay period and not to exceed the annual budgetary appropriation, effective April 22, 2024.

Ayes:

Noes:

04/17/24-alh