

ITEM 3 - AUTHORIZATION TO EXECUTE PRELIMINARY UTILITY WORK AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR ADA COMPLIANCE PROJECT, VARIOUS ROUTES, CITY OF NIAGARA FALLS, TOWNS OF AMHERST, HAMBURG, LANCASTER, NEWFANE, TONAWANDA, VILLAGES OF ALDEN, BLASDELL, DEPEW, FARNHAM AND LANCASTER, ERIE AND NIAGARA COUNTIES, PROJECT NO. 201800034, IDENTIFIED AS PIN NO. 5809.31

Motion by %MOTION% seconded by %SECOND%

WHEREAS, Russell J. Stoll, Executive Engineer, has advised that the New York State Department of Transportation ("NYSDOT") has submitted forms for Preliminary Utility Work Agreement for work to be performed on Authority facilities due to the project described as ADA Compliance Project, Various Routes, City of Niagara Falls, Towns of Amherst, Hamburg, Lancaster, Newfane, Tonawanda, Villages of Alden, Blasdell, Depew, Farnham and Lancaster, Erie and Niagara Counties, PIN No. 5809.31; and

WHEREAS, The project requires the adjustment of water valve box elevations and relocate the hydrant on NE corner of US 62 (Niagara Falls Blvd.) at Almeda per contact documents; and

WHEREAS, Russell J. Stoll, Executive Engineer recommends the execution of said Preliminary Utility Work Agreement;

NOW, THEREFORE, BE IT RESOLVED:

That the Chairman, or in his absence the Vice Chairman, is hereby authorized and directed to enter into a Preliminary Utility Work Agreement with the NYSDOT for the abovementioned project identified as ADA Compliance Project, Various Routes, City of Niagara Falls, Towns of Amherst, Hamburg, Lancaster, Newfane, Tonawanda, Villages of Alden, Blasdell, Depew, Farnham and Lancaster, Erie and Niagara Counties, PIN No. 5809.31, granting the State of New York authority to perform the adjustment for the Authority and agreeing to maintain facilities adjusted via State-let contract; and be it further

RESOLVED: That the Secretary is hereby authorized to forward four copies of the executed Agreement, along with four certified copies of this resolution to the New York State Department of Transportation.

Ayes: %AYES%

Noes: %NOES%

ITEM 4 - AUTHORIZATION TO REJECT BIDS AND READVERTISE FOR THE FURNISHING AND DELIVERING OF FLUOROSILICIC ACID TO THE ERIE COUNTY WATER AUTHORITY FOR USE IN THE TREATMENT OF WATER FOR TWO YEARS FROM MARCH 15, 2018 THROUGH MARCH 14, 2020, PROJECT NO. 201800015

Motion by %MOTION% seconded by %SECOND%

WHEREAS, The Erie County Water Authority (the "Authority") heretofore advertised in the Dodge Reports and the New York State Contract Reporter on the 26th day of January, 2018, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for the Furnishing and Delivering of fluorosilicic acid to the Erie County Water Authority for use in the treatment of water for two years from March 15, 2018 through March 14, 2020; and

WHEREAS, Sealed bids were opened in the office of the Authority on the 6th day of February, 2018, at 11:30 a.m., local time, and were as follows:

BIDDERS	AMOUNT
Mosaic Global Sales, LLC	\$269,660.00
Solvay Fluorides, LLC	307,490.00
Thatcher Company of New York	323,330.10
Univar USA, Inc.	334,650.00
ControlChem	532,530.00; and

WHEREAS, Paragraph 10 of the Instruction to Bidders Section of the specification and contract documents states that the OWNER reserves the right to reject any/or all proposals and to rebid the Contract when the Authority deems it in the public interest to do so; and

WHEREAS, John Mogavero, Chemist and Chief WTPO advised that a review of the bids determined that there are possible quality control concerns supplied from the bidders due to the Authority's newly raised standards exceeding the basic requirements mandated and regulated by the New York State Department of Health and that there are other possible suppliers who could comply with the newly raised standards; and

WHEREAS, Due to the above, John Mogavero, Chemist and Chief WTPO recommends that the bids be rejected and readvertised;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority reject the bids received on February 6, 2018 for the Furnishing and Delivering of fluorosilicic acid to the Erie County Water Authority for use in the treatment of water for two years from March 15, 2018 through March 14, 2020; and

RESOLVED: That the Secretary be and he hereby is authorized to return to the bidders their deposit made with their bid to the Authority for the abovementioned project; and be it further

RESOLVED: That the Secretary is authorized to publish an additional notice pursuant to Section 1069 of the Public Authorities Law for the Hydrofluorosilicic acid to the Erie County Water Authority for use in the treatment of water for two years from March 15, 2018 through March 14, 2020.

Ayes: %AYES%

Noes: %NOES%

04/05/18-pjf

ITEM 5 - APPROVAL OF CHANGE ORDER NO. 1 OF 716 SITE CONTRACTING, INC. FOR SMALL SERVICES CONTRACT, AREA #2, FEBRUARY 1, 2017 THROUGH JANUARY 31, 2019, PROJECT NO. 201700002, CONTRACT NO. 17-03-01 - \$37,148.12

Motion by %MOTION% seconded by %SECOND%

WHEREAS, Heretofore and on the 12th day of January, 2017, the Erie County Water Authority ("Authority") entered into a contract with 716 Site Contracting, Inc. for Small Services Contract, Area #2, February 1, 2017 through January 31, 2019, identified as Contract No. 17-03-01; and

WHEREAS, Said contractor has submitted Change Order No. 1 in the sum of \$37,148.12 to provide labor, tools, equipment and materials to perform emergency watermain repairs from December 31, 2017 through January 16, 2018; and

WHEREAS, The reason for the above change is because the Authority experienced an abnormally large number of watermain breaks during this date range, necessitating the use of numerous crews. The existing contract does not have an item to provide emergency watermain repair; and

WHEREAS, Russell J. Stoll, Executive Engineer and Leonard F. Kowalski, Sr. Distribution Engineer recommend approval of said Change Order No. 1;

NOW, THEREFORE, BE IT RESOLVED:

That Change Order No. 1 of 716 Site Contracting, Inc. to provide for the abovementioned change be approved; and be it further

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

Ayes: %AYES%

Noes: %NOES%

04/05/18-pjf

ITEM 6 - APPROVAL OF CHANGE ORDER NO. 3 OF E&R GENERAL CONSTRUCTION, INC. FOR EXCAVATED MATERIAL REMOVAL AND DISPOSAL, APRIL 1, 2016 THROUGH MARCH 31, 2018, PROJECT NO. 201600011, CONTRACT NO. 16-06-03 - \$223,771.08

Motion by %MOTION% seconded by %SECOND%

WHEREAS, Heretofore and on the 17th day of March 2016, the Erie County Water Authority ("Authority") entered into a contract with E&R General Construction, Inc. for Excavated Material Removal and Disposal, April 1, 2016 through March 31, 2018, identified as Contract No. 16-06-03; and

WHEREAS, Said contractor has submitted Change Order No. 3 in the sum of \$223,771.08 to provide labor, tools, and equipment to perform emergency watermain replacement on East Overlook Drive in Clarence, NY during the period of January 2, 2018 through January 26, 2018; and

WHEREAS, The reason for said change is because based on the excessive amount of watermain breaks experienced on East Overlook Drive over a 48 hour period, the Authority declared an Emergency Declaration on December 15, 2017 in order to secure the services of E&R General Construction, Inc. E&R General Construction, Inc. was instructed to perform an emergency watermain replacement. The existing contract does not have items for emergency watermain replacement; and

WHEREAS, Russell J. Stoll, Executive Engineer and Leonard F. Kowalski, Sr. Distribution Engineer recommend approval of said Change Order No. 3;

NOW, THEREFORE, BE IT RESOLVED:

That Change Order No. 3 of E&R General Construction, Inc. in the amount of \$223,771.08 to provide for the abovementioned change be approved; and be it further

RESOLVED: That the Chairman is hereby authorized to execute said Change Order No. 3 on behalf of the Authority.

Ayes: %AYES%

Noes: %NOES%

04/05/18-pjf

ITEM 7 - AUTHORIZATION TO GRANT LEAK ALLOWANCE REQUEST - \$2,083.08

Motion by %MOTION% seconded by %SECOND%

WHEREAS, Robert J. Lichtenthal, Jr., Deputy Director advised the Authority that he has received a leak allowance request from an Authority customer listed below resulting from a service line leak:

- 1) Hilbert College
5200 South Park Ave.
Hamburg, NY 14075
\$2,083.08; and

WHEREAS, Robert J. Lichtenthal, Jr., Deputy Director advised that the request contains documentation showing that the leak has been repaired; and

WHEREAS, Said leak allowance request has complied with all leak allowance requirements; and

WHEREAS, As stated in Section 9.09 of the Authority's Tariff, the granting of a leak allowance shall be in the sole discretion of the Authority; and

WHEREAS, Robert J. Lichtenthal, Jr., Deputy Director recommends granting the above leak allowance request;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority grant the leak allowance request to the abovementioned customer; and be it further

RESOLVED: That the Comptroller is hereby authorized and directed to adjust the account of the abovementioned customer.

Ayes: %AYES%

Noes: %NOES%

04/05/18-pjf

**ITEM 8 AUTHORIZATION TO AMEND ITEM NO. 14 OF THE OCTOBER 5,
2017 MINUTES OF THE MEETING OF THE ERIE COUNTY WATER
AUTHORITY**

Motion by %MOTION% seconded by %SECOND%

WHEREAS, pursuant to the Erie County Water Authority's (Authority) Freedom of Information Law Policy, an appeal of the FOIL Officer's denial of access to records, in whole or in part, is taken to the Authority's Board of d Commissioners; and

WHEREAS, the FOIL appeal process is one that is quasi-judicial in nature wherein each Commissioner independently votes to grant or deny the appeal in its entirety or in part or votes to dissent in the entirety or in part; and

WHEREAS, the Authority's FOIL procedure and Public Officers Law § 89(4)(a) require that the Board of Commissioners decision to further deny access to records sought must be in writing to the person requesting the record; and

WHEREAS, on the 5th day of October 2017, the Authority denied the appeal in its entirety but one Commissioner's dissent as to part of the appeal was not recorded and is not reflected in the minutes; and

WHEREAS, Public Officers Law § 106 requires that the Authority maintain minutes of any matter voted upon and, implicitly, requires that the record thereof be fully accurate; and

WHEREAS, the minutes of the Meeting of the Authority held on October 5, 2017 inaccurately reports that Commissioner Schad voted "YES" to deny Appellant's appeal in its entirety, when, in fact, Commissioner Schad voted, in part, to deny Ms. Tan's appeal as to the "e-mails" sought and he voted, in part, to grant the Tan appeal as to the "invoices" sought; and

WHEREAS, The Authority wishes to amend the Minutes of the Meeting October 5, 2017 to reflect Commissioner Schad's dissent on the Appeal denial regarding the "invoices" sought by Appellant Tan;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority amends Item No. 14 - APPEAL DETERMINATION of the Minutes of the Erie County Water Authority held on October 14, 2017 to read, as to the vote of the Commissioners on the FOIL appeal, as follows:

Ayes: Commissioners Anderson and Simmeth, Jr. voting to deny the appeal in its entirety; and
Commissioner Schad voting to deny the appeal only as to the "e-mails" sought by
Appellant Tan, and

Noes: Commissioners Schad voting to grant the appeal as to the "invoices" sought by Appellant
Tan.

Ayes: %AYES%

Noes: %NOES%