

ITEM 5 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICE CONTRACT FOR WEBSITE DESIGN AND DEVELOPMENT WITH INGENIOUS, INC.

Motion by seconded by

WHEREAS, on August 2, 2018, the Board of Commissioners (the “Board”) for the Erie County Water Authority (the “Authority”) adopted a resolution accepting the website proposal submitted by Ingenious, Inc. and authorizing Terrence D. McCracken, Secretary of the Authority and Margaret A. Murphy, the Authority’s Attorney, “to negotiate a professional service contract on terms mutually acceptable to Ingenious, Inc. for the design and development of the Authority’s new website;” and

WHEREAS, the parties have reached a tentative agreement as to terms and conditions upon which such professional services will be furnished by Ingenious, Inc. to the Authority; and

WHEREAS, before finalizing the terms and conditions set forth in the professional service contract, Joseph P. Murphy, President of Ingenious, Inc., would like to speak with his private business attorney, James W. Smyton, about a few minor changes to the agreement; and

WHEREAS, Mr. Smyton is of counsel to Phillips Lytle LLP, a firm that has from time to time represented the Authority; and

WHEREAS, Mr. Smyton has requested from the Authority a conflict waiver, so he may review the tentative agreement with Joseph Murphy; and

WHEREAS, Secretary McCracken and Attorney Murphy recommends to the Board the approval of the tentative agreement and waiving of the conflict so that the Authority can finalize and execute the professional service contract with Ingenious, Inc.;

NOW, THEREFORE, BE IT RESOLVED,

That the Board consents to granting Phillips Lytle LLP a conflict waiver, and directs a certified copy of this resolution to be forwarded to James W. Smyton, of counsel to Phillips Lytle LLP;

BE IT FURTHER RESOLVED,

That the Board approves the tentative agreement reached with Ingenious, Inc. and authorizes Attorney Murphy to make such changes to the agreement, which are mutually acceptable to Ingenious, Inc. and are in the best interest of the Authority; and

BE IT FURTHER RESOLVED,

That the Chairman is hereby authorized to execute the final professional service contract with Ingenious, Inc. without any further Board approval.

Ayes:

Noes:

10/04/18-MAM:pjf

ITEM 6 - AUTHORIZATION TO ENTER INTO AMENDMENT NO. 2 TO THE BULK SALES AGREEMENT BETWEEN THE TOWN OF BENNINGTON AND THE ERIE COUNTY WATER AUTHORITY

Motion by seconded by

WHEREAS, the Erie County Water Authority (Authority) and the Town of Bennington (Town) acting as Water Commissioners on behalf of the of the duly constituted Cowlesville Water District of the Town of Bennington, County of Wyoming and State of New York entered into a Bulk Sales Agreement on June 21, 2006; and

WHEREAS, on or about July 7, 2011, the Authority and the Town amended the Bulk Sales Agreement, extending its terms until July 7, 2021; and

WHEREAS, pursuant to the Bulk Sales Agreement, as amended, the parties agreed water supplied by the Authority would not be sold, furnished or supplied to any person or corporation, outside of the territorial limits of the Town and Cowlesville Water District, without the express written permission of the Authority; and

WHEREAS, pursuant to the Bulk Sales Agreement, as amended, the Town agreed “any additional extension . . . beyond its present territorial limits leading to the service of water by the Town to a new area represents a modification of this [Bulk Sales Agreement] and required both the consent of the Authority and an addendum to the contract; and

WHEREAS, on October 13, 2017, the Town Supervisor sent a letter to the Authority, requesting a second amendment to the Bulk Sales Agreement allowing the Town to supply water to the Highland Glens community, an area outside of the territorial limits of the Cowlesville Water District; and

WHEREAS, Highland Glens, Inc. operates a community water district, whose operations are overseen by the Public Service Commission, and which currently supplies water to the Highland Glen community from eight public wells; and

WHEREAS, the shares of Highland Glens, Inc. are owned by residents of the Highland Glens community; and

WHEREAS, the Authority has the capacity to supply 10,000 gpd of additional water to the Town;

WHEREAS, the Authority and the Town agree to amend the Bulk Sales Agreement allowing the Town to supply water to Highland Glen community; and

WHEREAS, under the date of October 11, 2017, the Town, by resolution, authorized execution of the Amendment No. 2 to the Bulk Sales Agreement between the Town and the Authority; and

WHEREAS, Russell J. Stoll, Executive Engineer and Margaret A. Murphy, Attorney recommend that the Authority execute said Amendment No. 2;

NOW, THEREFORE, BE IT RESOLVED:

That the Chairman is hereby authorized to execute Amendment No. 2 to the Bulk Sales Agreement between the Town and the Authority allowing the Town to supply water to Highland Glen community; and be it further

RESOLVED: That the Secretary is hereby authorized and directed to forward a certified copy of this resolution to the Town Board of the Town of Bennington along with a copy of the duly executed Amendment No. 2.

Ayes:

Noes:

10/04/18-pjf

ITEM 7 - AWARD OF CONTRACT TO RITEC ENTERPRISES, INC. FOR THE FURNISHING AND DELIVERING OF FILTER EXPANSION METERS FOR STURGEON POINT WATER TREATMENT PLANT AND VAN DE WATER WATER TREATMENT PLANT, PROJECT NO. 201800108 - \$65,808.00

Motion by seconded by

WHEREAS, The Erie County Water Authority (Authority) heretofore advertised in the Dodge Reports and the NYS Contract Reporter on the 15th day of August 2018, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for the furnishing and delivering of filter expansion meters for Sturgeon Point Water Treatment Plant and Van de Water Water Treatment Plant; and

WHEREAS, a sealed bid or proposal was opened in the office of the Authority on the 11th day of September 2018, at 11:30 a.m., local time, and was as follows:

BIDDER	AMOUNT
Ritec Enterprises, Inc.*	\$65,808.00

*Only bid received; and

WHEREAS, the certified check has been approved by Anthony Alessi, Claims Representative/Risk Manager; and

WHEREAS, Russell J. Stoll, Executive Engineer and John Mogavero, Chemist and Chief WTPO have reviewed the specification and bid and determined that Ritec Enterprises, Inc. is a responsible bidder qualified to perform the project and have recommended that a contract be awarded to that firm for the abovementioned project;

NOW, THEREFORE, BE IT RESOLVED:

That it is hereby determined that Ritec Enterprises, Inc. is a responsible bidder for the abovementioned project, and that the Chairman is hereby authorized and directed to execute a contract with said contractor for the furnishing and delivering of filter expansion meters for Sturgeon Point Water Treatment Plant and Van de Water Water Treatment Plant as a unit price contract for the estimated total amount of \$65,808.00; and be it further

RESOLVED: Pursuant to New York State Finance Law §§139-j and 139-k and the Authority's Purchasing Guidelines, Policies and Procedures with the award and execution by the Authority of this contract, the Restricted Period will cease; and be it further

RESOLVED: That the Administration Office is hereby authorized and directed to create a Master Purchase Order for the abovementioned contract.

Ayes:

Noes:

10/04/18-pjf

ITEM 8 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE FURNISHING, DELIVERING AND INSTALLING OF ONE (1) TWO-STAGE BASIC COMPRESSOR FOR VAN DE WATER SLUDGE PLANT, PROJECT NO. 201800212

Motion by seconded by

WHEREAS, Russell J. Stoll, Executive Engineer and John J. Mogavero, Chemist and Chief WTPO recommend that the Erie County Water Authority ("Authority") publish a notice inviting sealed bids or proposals pursuant to Section 1069 of the Public Authorities Law for the furnishing, delivering and installing of one (1) two-stage basic compressor for Van de Water Sludge Plant; and

WHEREAS, the work, labor and services for the abovementioned project is estimated to cost an amount in excess of \$10,000.00; and

WHEREAS, the Advertisement for Bids for the furnishing, delivering and installing of one (1) two-stage basic compressor for Van de Water Sludge Plant will be conducted pursuant to the enacted legislation, New York State Finance Law Sections 139-j and 139-k and the Authority's Purchasing Guidelines, Policies and Procedures; and

WHEREAS, Christopher Marchitte, WTPO Crew Chief will be the designated contact person for the project with the adoption of this resolution;

NOW, THEREFORE, BE IT RESOLVED:

That the plans and specifications and form of bid be prepared for the furnishing, delivering and installing of one (1) two-stage basic compressor for Van de Water Sludge Plant and upon completion be made available for inspection by bidders in the office of the Authority; and be it further

RESOLVED: That the Secretary is hereby authorized and directed to publish a notice inviting sealed bids or proposals pursuant to Section 1069 of the Public Authorities Law for the abovementioned project.

Ayes:

Noes:

10/04/18-pjf

ITEM 9 - 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 ("Authority") advised that hydrants and valves were installed as part of the Authority's program to keep pace with improvements in fire fighting technology, as follows:

Eliminated valve at 3242 Seneca Street, Town of West Seneca on 5/18/18. Work done by ECWA forces under Work Authorization No. 107.200 7001.

Valve originally installed in 1905 was scrapped and retired under Retirement Authorization No. R180017.

Replace existing 6' Bury hydrant at 135 Delamere Road, Town of Amherst with a new Kennedy K81 hydrant on 5/2/18. Work done by ECWA forces under Work Authorization No. 107.200 7002.

Hydrant originally installed in 1956 was scrapped and retired under Retirement Authorization No. R180018.

Eliminated hydrant at Tillman Road, Town of Clarence on 6/15/18. Work done by ECWA forces under Work Authorization No. 107.200 7004.

Hydrant originally installed prior to 10/1/99 was scrapped and retired under Retirement Authorization No. R180019.

Replace existing 5' Bury hydrant at 9355 Wolcott Road, Town of Clarence with a new Kennedy K81 hydrant on 6/7/18. Work done by ECWA forces under Work Authorization No. 107.200 7005.

Hydrant originally installed prior to 10/1/99 was scrapped and retired under Retirement Authorization No. R180020; and

WHEREAS, Russell J. Stoll, Executive Engineer ratifies said installations and work;

NOW, THEREFORE, BE IT RESOLVED:

That 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:

10/04/18-pjf

ITEM 10 - AUTHORIZATION TO ENTER INTO A LIMITED AGENCY APPOINTMENT ADDENDUM WITH OFFICIAL PAYMENTS CORPORATION (SUCCESSOR-IN-INTEREST TO ONLINE RESOURCE CORPORATION AND PRINCETON eCOM CORPORATION) FOR ONLINE PAYMENT PROCESSING

Motion by seconded by

WHEREAS, on December 15, 2005, the Board of Commissioners (the “Board”) of the Erie County Water Authority (the “Authority”) authorized the Chair to enter into an agreement with Princeton eCom Corporation (“Princeton eCom”) to electronically transfer customer online payments into the Authority’s bank account via ACH transactions; and

WHEREAS, Official Payments Corporation (“OPAY”) is the successor-in-interest to Princeton eCom and Online Resource Corporation, and has requested the Authority to enter into a Limited Agency Appointment Addendum (the “Addendum”) for the limited purpose of processing customer online payments to the Authority, and substituting OPAY for Princeton eCom in the agreement previously approved by the Board on December 15, 2005;

NOW, THEREFORE BE IT RESOLVED:

That the Chair is hereby authorized to execute, electronically via DocuSign, the Addendum with OPAY; and

BE IT FURTHER RESOLVED:

That the Secretary is hereby authorized to forward a certified copy of this resolution to OPAY.

Ayes:

Noes:

10/04/18-JM:pjf

ITEM 11 - AUTHORIZATION FOR THE CHAIRMAN TO EXECUTE STANDARDIZED AGREEMENTS FOR DOMESTIC SERVICE, PRIVATE FIRE PROTECTION, COMBINED DOMESTIC SERVICE/PRIVATE FIRE PROTECTION, HYDRANT RELOCATION, MAIN EXTENSION (OWNER-OCCUPANT), AND TEMPORARY OR OCCASIONAL SERVICE AGREEMENT

Motion by _____ seconded by _____

WHEREAS, Article III, Section Two of the By-Laws of the Erie County Water Authority (“Authority”) authorizes the Chairman to sign and execute all contracts in the name of the Authority when so authorized by resolution; and

WHEREAS, pursuant to specific sections of the Authority’s duly adopted Tariff, the Authority enters into standardized agreements with applicants for Domestic Service, Temporary or Occasional Service Agreement, Private Fire Protection, Combination Private Fire Protection/Domestic Service, Hydrant Relocations and Main Extension Agreements (Owner-Occupant); and

WHEREAS, the Board of Commissioners (“Board”) has reviewed the templates for such standardized agreements; and

NOW, THEREFORE, BE IT RESOLVED:

That the Board accepts the above mentioned standardized agreements as to form and for use by the Authority; and

BE IT FURTHER RESOLVED:

That the Chairman is hereby authorized to sign, execute and affix the corporate seal of the Authority to the standardized agreements for Domestic Service, Temporary or Occasional Service, Private Fire Protection, Combination Private Fire Protection/Domestic Service, Hydrant Relocations, and Main Extension Agreements, without any further action from the Board pursuant to the terms of the Tariff.

Ayes:

Noes:

10/04/18-JM:DS:pjf

ITEM 12 - AUTHORIZATION TO AMEND POLICY NO. 75 OF THE EMPLOYEE POLICY AND PROCEDURES MANUAL ON AN INTERIM BASIS UNTIL SUCH TIME AS A FINAL POLICY IS APPROVED BY THE BOARD OF COMMISSIONERS OF THE ERIE COUNTY WATER AUTHORITY

Motion by seconded by

WHEREAS, on April 12, 2018 the Governor of the State of New York signed legislation specifying required steps employers must take to address workplace sexual harassment; and

WHEREAS, this legislation resulted in changes to the New York State Human Rights Law, State Finance Law, the Civil Practice Law and Rules (CPLR), the Public Officers Law, the General Obligations Law, the Labor Law, and the Executive Law; and

WHEREAS, pursuant to New York State Labor Law §201-G, the New York State Department of Labor (DOL) shall consult with the New York State Department of Human Rights (DHR) to create and publish a model sexual harassment prevention guidance document and sexual harassment prevention policy as well as a model sexual harassment prevention training program; and

WHEREAS, the DOL and DHR has published a draft policy and has provided a public comment period for the policy but have not published the final version of the model policy; and

WHEREAS, the New York Labor Law §201-G requires all employers adopt either the model policy or a policy that “equals or exceeds” the minimum standards for such policy by October 9, 2018; and

WHEREAS, the Authority currently has in effect an Anti-Harassment Policy, identified as Policy No. 75 in the Authority’s Policies and Procedures Manual; and

WHEREAS, in order to comply with the new legislation mentioned above, it is necessary to revise the Authority’s Anti-Harassment Policy No, 75; and

WHEREAS, the Authority’s Governance Committee recommends amending Policy #75 on an interim basis until a final model policy and guidance is published in in accordance with the “minimum standards” of the DOL/DHR draft guidance; and

NOW, THEREFORE, BE IT RESOLVED:

That the Board amends the above-mentioned revised Anti-Harassment Policy #75 on an interim basis until a final model policy and guidance is published in in accordance with the “minimum standards” of the DOL/DHR draft guidance; and

RESOLVED: That the Secretary is hereby authorized to distribute the revised interim Anti-Harassment Policy #75 to all Authority employees.

Ayes:

Noes:

10/04/18-pjf