

ITEM 7 - APPROVAL OF CHANGE ORDER NO. 2 OF H & K SERVICES FOR CONTRACT NO. OBG-12A STURGEON POINT AND VAN DE WATER IMPROVEMENTS PROJECT, PROJECT NO. 201500169, CONTRACT NO. 17-01-01 - \$130,400.00

Motion by _____ seconded by _____

WHEREAS, heretofore and on the 16th day of December 2016, the Erie County Water Authority ("Authority") entered into a contract with H & K Services for Contract No: OBG-12A Sturgeon Point and Van de Water Improvements Project, identified as Contract No. 17-01-01; and

WHEREAS, said contractor has submitted Change Order No. 2 in the sum of \$275,000.00 to provide for the changes as noted on attached Schedule "A"; and

WHEREAS, O'Brien & Gere Engineers, Consulting Engineers, Russell J. Stoll, Executive Engineer and Leonard F. Kowalski, Sr. Distribution Engineer recommends approval of said Change Order No. 2;

NOW, THEREFORE, BE IT RESOLVED:

That Change Order No. 2 of H & K Services in the amount of \$130,400.00 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. 2 on behalf of the Authority.

Ayes:

Noes:

11/01/18-pjf

SCHEDULE "A"

CHANGE ORDER NO. 2

**Erie County Water Authority
350 Ellicott Square Building
295 Main Street
Buffalo, New York 14203**

Contract No. Project No. 201500169 Date: October 3, 2018

Project: Contract OBG-12A
 Sturgeon Point and Van de Water
 Improvements Project

Contractor: H&K Services, Inc.
 12025 Leon Road
 Leon, NY 14751

Engineer: O'Brien and Gere Engineers, Inc.
 400 Andrews Street, Harro East Building, Suite 710
 Rochester, NY 14604

DESCRIPTION OF CHANGE:

1. Delete the following under Section 00500 Agreement, Article 3 – Contract Times, 3.02 Days to Achieve Substantial Completion and Final Payment:

 "A. The Work shall be substantially completed by February 23, 2018 as provided in Paragraph 2.03 of the General Conditions, and completed and ready for final payment by April 20, 2018, in accordance with paragraph 14.07 of the General Conditions.

2. Insert the following under Section 00500 Agreement, Article 3 – Contract Times, 3.02 Days to Achieve Substantial Completion and Final Payment:

 "A. The Work shall be substantially completed by June 1, 2018 as provided in Paragraph 2.03 of the General Conditions, and completed and ready for final payment by August 31, 2018, in accordance with paragraph 14.07 of the General Conditions.

3. Delete the following under Section 01 21 00, Allowances, Article 3.1.

3.1 SCHEDULE OF ALLOWANCES

Contract Bid /Payment Item No.	Allowance Name	Include Contingency Allowance Amount Of
Item 8	Contingency Allowance – Miscellaneous Improvements Allowance	\$600,000

Item 9	Cash Allowance – Security Allowance	\$0
Item 11	Cash Allowance – Control System Integration Allowance	\$125,000
Item 12	Cash Allowance – Potassium Permanganate Pump Allowance	\$30,000

4. Insert the following under Section 01 21 00, Allowances, Article 3.1.

3.1 SCHEDULE OF ALLOWANCES

Contract Bid /Payment Item No.	Allowance Name	Include Contingency Allowance Amount Of
Item 8	Contingency Allowance – Miscellaneous Improvements Allowance	\$691,194.80
Item 9	Cash Allowance – Security Allowance	\$0
Item 11	Cash Allowance – Control System Integration Allowance	\$176,844.80
Item 12	Cash Allowance – Potassium Permanganate Pump Allowance	\$17,360.40

REASON FOR CHANGE:

1. The existing Substantial Completion and Final Completion dates are being deleted as new dates are being established.
2. New Substantial Completion and Final Completion dates are being established for the Contract. The completion schedule was delayed due to multiple construction modifications that were implemented as part of this project under Bid Item 8, Miscellaneous Improvement Allowance, and Bid Item 11, Control System Integration Allowance. Numerous shutdowns were also delayed due to repair work being performed on the 42-inch transmission main near the High Service Pumping Station.
3. The existing Miscellaneous Improvements Allowance and Control System Integration Allowance are being changed to provide additional funding for construction modifications.
4. During construction, several unforeseen conditions and safety concerns were identified. These modifications included reliability improvements to the caustic

system and plant water system at the Sturgeon Point WTP along with overall facility improvements. These modifications included the following:

a. Mod No. 17 – Additional repairs in the Coagulation Basins

Reason Required: After entering the basins, several unforeseen repairs were identified by the Owner including pipe support replacement, bracing repairs and hydraulic rod repairs. These repairs were essential to restoring the basins to full operating order.

Cost: \$8,358.20

b. Mod No. 33c – Sludge Bunker (Piping, installation & accessories)

Reason Required: After starting installation of the piping within the Sludge Bunker, multiple unforeseen conditions arose. Additional piping, fitting and supports were needed to accommodate the manufacturer supplied air release valve for the sludge pump. To avoid multiple utility conflicts, the sludge piping exited the Sludge Bunker through the ceiling and required a spool piece.

Cost: \$3,971.13

c. Mod No. 42 – Miscellaneous construction services to the Owner

Reason Required: During construction, the following miscellaneous construction services were provided:

- When installing the plant water system at the Delivered Water Pump Station, it was identified that the 2-1/2" pressure reducing valve was not operational and required replacement for effective functioning of the system.
- After start-up of the potassium permanganate system, it was identified that solids were being transferred to the potassium permanganate pumps and affecting their performance. To resolve this unforeseen condition, the pump suction piping was modified.
- After start-up of the fluoride fill piping, it was identified that the piping experienced additional force and vibration during the fill process than was anticipated. As a result, additional pipe supports were installed.
- After start-up of the fluoride fill piping, it was identified that the containment volume of the fill station needed to be increased to accommodate the operating procedures of the chemical delivery company.
- In order to complete the work in Coagulation Basin Nos. 1 and 2, the Contractor needed to take the basin out of service twice during construction. The original contract only included one mobilization and demobilization per basin. Entering Coagulation Basin Nos. 1 and 2 a second time was an unforeseen condition.

Cost: \$17,919.86

d. Mod No. 45 – Aluminum channel pipe support

Reason Required: During pipe installation in the basement of the Control Building, the Contractor raised concern regarding the location of pipe supports. To increase operator safety while walking underneath the piping, an aluminum channel was installed as part of the pipe support system.

Cost: \$7,097.40

e. Mod No. 48 – 10” isolation valve on surface wash header

Reason Required: The valve was installed to provide additional reliability and flexibility in the surface wash system for the operators, especially during emergency conditions or plant water shortages.

Cost: \$2,280.60

f. Mod No. 50 – Sludge bunker wall repair

Reason Required: During construction within the Sludge Bunker at the Van de Water WTP, it was identified by the Owner that the existing wall was leaking and potentially creating a safety concern for the new equipment and operators working in the bunker.

Cost: \$2,934.75

g. Mod No. 53 – Additional services from KAMAN

Reason Required: The transformer within the Permanganate Process Control Panel needed to be upsized to provide enough power to the permanganate flow meters and control valves. This upsizing was unforeseen during design and a result of the actual pumps that were purchased and installed by the Contractor.

Cost: \$1,230.11

h. Mod No. 54 – 4” valve work (chlorine secondary feed)

Reason Required: During construction, the Owner identified multiple 4” diameter butterfly valves that were broken on the plant water line within the Control Building. It was assumed that the valves were operable and in good working condition. The valve replacement was a condition that was identified as necessary.

Cost: \$2,142.94

i. Mod No. 56 – Flash mixer leak

Reason Required: During construction, a leak was identified by the Owner in the Rapid Mix Basins. The leak was exiting the building through the exterior brick façade and causing ice buildup in the parking lot. Routine salting was

unable to control the ice and it was a safety hazard. The brick façade also began to deteriorate from the water freezing behind the brick and expanding.

Cost: \$21,876.75

j. Mod No. 57 – Guard rail in control building garage

Reason Required: Due to the vehicular traffic within the garage, the client requested that a guardrail system be installed to protect the RPZs and plant water piping. RPZs and plant water piping within the garage are critical to the operation of the filter and chlorination system at the Sturgeon Point WTP.

Cost: \$5,401.11

k. Mod No. 60 – Rate PLC panel relay replacement

Reason Required: During construction, it was identified that the designed relay within the Rate PLC Panel would not control and operate the valves as requested by the Owner. A new relay was installed within the Rate Panel PLC to provide the necessary hardware for proper operation of the valves.

Cost: \$1,194.85

l. Mod No. 61 – Additional painting of caustic and plant water piping

Reason Required: Because of safety concerns with the integrity and condition of the existing caustic piping, the caustic piping in the Delivered Water Pump Station was replaced under Change Order No. 1. To improve the longevity of the piping within the humid environment within the Delivered Water Pump Station, the caustic and plant water piping was painted under this change order.

Cost: \$4,147.50

m. Additional Control System Integration

Reason Required: During construction, the following additional control system integration services were provided:

- Under Change No. 1, modifications to the carrier water system for the Potassium Permanganate System was authorized. Under this modification, Kaman provided a control panel, flow meters, control valves, programming, wiring and PLC as-built drawings. The scope and cost for this modification couldn't be estimated until the system was fully designed.
- Under Change Order No. 1, the sludge mixing system at the Van de Water WTP was authorized. Under this modification Kaman provided VFD and VFD panel, PLC control panel, fiber optic wiring, iso-ring and pressure transducer, heat tracing, programming, wiring and PLC as-built drawings. The scope and cost for this modification couldn't be estimated until the system was fully designed by the Owner.

Cost: \$51,844.80

CHANGE IN CONTRACT PRICE:

1. Not Applicable
2. Not Applicable
3. Not Applicable
4. Allowance Increase: \$130,400.00

CHANGE IN CONTRACT TIME:

1. Not Applicable
2. Addition of 98 days to the Substantial Completion Date and an addition of 133 days to the Final Completion Date of the Project.
3. Not Applicable
4. Not Applicable

APPROVALS - CHANGE ORDER NO. 2

Erie County Water Authority: _____ Date: _____
Chairman

Contractor: _____ Date: _____
H&K Services, Inc.

Engineer: _____ Date: _____
O'Brien and Gere Engineers, Inc.

SUMMARY

CHANGE IN CONTRACT PRICE:

Original contract price:
\$2,957,800.00

Net changes from previous change orders:
No. 1: \$275,000

Contract price prior to this change order:
\$3,232,800.00

Net increase of this change order:
\$130,400.00

Contract price with all approved change orders:
\$3,363,200.00

CHANGE IN CONTRACT TIME:

Original contract time:
Notice to proceed: January 12, 2017
Substantial completion: October 19, 2017
Final completion: November 16, 2017

Net changes from previous change orders:
Substantial completion: 127 days
Final completion: 155 days

Contract time prior to this change order:
Substantial completion: February 23, 2018
Final completion: April 20, 2018

Net increase of this change order:
Substantial completion: 98 days
Final completion: 133 days

Contract times with all approved change orders:
Substantial completion: June 1, 2018
Final completion: August 31, 2018

**ITEM 8 - APPROVAL OF CHANGE ORDER NO. 3 OF STC CONSTRUCTION, INC.
FOR CONTRACT NO. NC-34, STURGEON POINT RAW WATER PUMP
STATION IMPROVEMENTS, PROJECT NO. 201500175, CONTRACT NO.
16-26-12 - \$88,127.00**

Motion by seconded by

WHEREAS, heretofore and on the 12th day of December 2016, the Erie County Water Authority ("Authority") entered into a contract with STC Construction Inc. for Contract No. NC-34, Sturgeon Point Raw Water Pump Station Improvements, identified as Contract No. 16-26-12; and

WHEREAS, said contractor has submitted Change Order No. 3 to provide for the changes as set forth on attached Schedule "A"; and

WHEREAS, Nussbaumer & Clarke, Inc., Consulting Engineers, Leonard F. Kowalski, Sr. Distribution Engineer and Russell J. Stoll, Executive Engineer recommend approval of said Change Order No. 3;

NOW, THEREFORE, BE IT RESOLVED:

That Change Order No. 3 of STC Construction 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. 3 on behalf of the Authority.

Ayes:

Noes:

11/01/18-pjf

SCHEDULE "A"

CHANGE ORDER NO. 3/Final

**Erie County Water Authority
350 Ellicott Square Building
295 Main Street
Buffalo, New York 14203**

Contract No. 16-26-12 Project No. 201500175 Date: October 16, 2018

Project: Contract NC-34
 Sturgeon Point
 Raw Water Pump Station Improvements

Contractor: STC Construction, Inc.
 63 Zoar Valley Road
 Springville, NY 14141

Engineer: Nussbaumer & Clarke, Inc.
 3556 Lake Shore Road
 Buffalo, New York 14219

DESCRIPTION OF CHANGE:

1. Delete the following under Section 00500 Agreement, Article 3 – Contract Times, 3.02 Days to Achieve Substantial Completion and Final Payment, as previously amended under Change order No. 2.
 - A. The Work shall be substantially completed by April 30, 2018 as provided in paragraph 2.03 of the General Conditions, and completed and ready for final payment by May 14, 2018 in accordance with paragraph 14.07 of the General Conditions.

2. Insert the following under Section 00500 Agreement, Article 3 – Contract Times, 3.03 Days to Achieve Substantial Completion and Final Payment.
 - A. The Work shall be substantially completed by April 30, 2018 as provided in paragraph 2.03 of the General Conditions, and completed and ready for final payment by November 16, 2018 in accordance with paragraph 14.07 of the General Conditions.

3. Delete the following under Section 012700 Measurement and Payment, Part 3 Execution, 3.01 Schedule of Allowances, as previously amended under Change order No. 2:
 - A. Include a stipulated contingency allowance of \$327,227.00 for Bid Item 2 – Miscellaneous Contingency Allowance for use in accordance with the Owner's instruction to perform miscellaneous work such as, but not limited to:
 1. Unanticipated work.
 2. Site Security Services.
 3. Repairs to the 48-inch Raw Water Discharge Header.
 4. Hazardous material handling and disposal beyond that shown or specified.
 5. Rock removal.
 6. Additional watermain materials for the 42-inch Delivered Water Transmission Main.
 7. Mitigation of water infiltration into the electrical duct banks.
 8. Repairs to existing concrete surfaces beyond the limits stipulated.
 9. Repairs to existing masonry surfaces beyond the limits stipulated.
 - B. Include a stipulated contingency allowance of \$22,773.00 for Bid Item 3 – Door Access Contingency Allowance for use in accordance with the Owner's instruction for door access control work to be performed by Stanley Security Services.
 - C. Include a stipulated contingency allowance of \$50,000.00 for Bid Item 4 – SCADA Contingency Allowance for use in accordance with the Owner's instruction for SCADA system work to be performed by Kaman-Zeller-ACS.
4. Insert the following under Section 012700 Measurement and Payment, Part 3 Execution, 3.01 Schedule of Allowances:
 - A. Include a stipulated contingency allowance of \$421,726.00 for Bid Item 2 – Miscellaneous Contingency Allowance for use in accordance with the Owner's instruction to perform miscellaneous work such as, but not limited to:
 1. Unanticipated work.
 2. Site Security Services.
 3. Repairs to the 48-inch Raw Water Discharge Header.
 4. Hazardous material handling and disposal beyond that shown or specified.
 5. Rock removal.
 6. Additional watermain materials for the 42-inch Delivered Water Transmission Main.
 7. Mitigation of water infiltration into the electrical duct banks.
 8. Repairs to existing concrete surfaces beyond the limits stipulated.
 9. Repairs to existing masonry surfaces beyond the limits stipulated.
 - B. Include a stipulated contingency allowance of \$22,773.00 for Bid Item 3 – Door Access Contingency Allowance for use in accordance with the Owner's instruction for door access control work to be performed by Stanley Security Services.

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- C. Include a stipulated contingency allowance of \$43,628.00 for Bid Item 4 – SCADA Contingency Allowance for use in accordance with the Owner's instruction for SCADA system work to be performed by Kaman-Zeller-ACS.

REASON FOR CHANGE:

1. The existing Final Completion date is being deleted because a new one is being established.
2. New Final Completion date is being established for the Contract. Additional time for the contract was required to complete the additional work items described in the following section, to account for electrical shutdowns required for the work on the VFDs that could not be provided during the high demand summer season and to accommodate the contractor's final field data collection portion of the Arc-Flash study.
3. The existing Miscellaneous Contingency and SCADA Contingency Allowances are being deleted because new ones are being established.
4. New Miscellaneous Contingency and SCADA Contingency Allowances are being established for the Contract. The work that was added to the contract was related to the original scope of work and was added due to unforeseen conditions and safety improvements.

CHANGE IN CONTRACT PRICE:

1. Not Applicable
2. Not Applicable
3. Not Applicable
4. Miscellaneous Contingency Allowance Increase: \$88,127.00, Transfer from SCADA Contingency Allowance to Miscellaneous Contingency Allowance: \$6,372.00

(The below list of Additional Work Proposal items are paid with the Contingency Allowance Increase in the amount of \$88,127.00, the Transfer from SCADA Contingency Allowance in the amount of \$6,372.00, the Credit for Header Painting in the amount of \$3,871.00 and the Balance of Miscellaneous Contingency Allowance in the amount of \$2,528.00)

- a. \$4,338.00 for material, labor and equipment to perform additional concrete demolition and replacement around the east screen chamber and wet well. Concrete demolition and replacement adjacent to this area was incorporated into the original project, however, additional quantity was identified during construction as this portion was obscured from view during the design process.
- b. \$2,705.00 for material and labor to provide breaker locks and to modify existing covers for proper installation as requested by ECWA.
- c. \$1,472.00 for material and labor to provide framing and flashing around the west store front door opening. The framing was required to cover the exposed speed tile walls around the perimeter of the door rough opening that were not visible prior to the demolition of the existing overhead door.
- d. \$43,752.00 for material and labor to replace the ground wire and conductors between the switchboard and the VFD's and from the VFD's to the Raw Water Pump motors. The conductor size as noted on the record drawings were incorrect and were not verifiable during the design phase.
- e. \$12,009.00 for material and labor to replace the VFD control circuit wiring.
- f. \$12,878.00 for labor and materials for electrical demolition and installation of various conduits and conductors and control wires within manholes and within the basement of the raw water building. Condition of electrical components were unknown during the design phase and were identified and evaluated during construction.
- g. \$17,387.00 for material and labor unforeseen demolition and installation of conduit, wiring and electrical components to accommodate the removal of the existing control cabinet adjacent to newly installed VFD's and for the installation and accommodation of time delay relays on the seal water circuits due to unforeseen momentary seal water flow fluctuations.
- h. \$852 for material and labor to install steel threshold at the west store front opening. The threshold was required to span the gap between the door and the recess in the floor that was not visible prior to the demolition of the existing overhead door.
- i. \$1,312.00 for material and labor for the replacement of the actuator on the existing outside air intake damper on the south wall near the south east corner of the building. The existing actuator is incompatible with the upgraded electrical feed to this location.
- j. \$1,637.00 for disposal costs and required medical testing associated with the previously approved lead paint abatement on the 48" header pipe.
- k. \$986.00 for materials and labor to drill hole in the floor slab to relieve ponding water and rigging and removal of stop logs from basement. The ponding of water

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in the location in question was not identified as this location was chronically wet due to the leaking screen shrouds, therefore, this condition was not identified until the screen shrouds were replaced. The stop logs were identified as no longer required due to the smooth operation of the newly installed sluice gates.

- I. \$1,570.00 to cover the additional bond costs for work performed above and beyond the current contract price (as allowed under Specification Section 00700-29, Article 11.01.A.5.i) as none of the above listed proposals include bond costs.

CHANGE IN CONTRACT TIME:

- 1. Not Applicable
- 2. Addition of 186 days to the Final Completion date.
- 3. Not Applicable
- 4. Not Applicable

APPROVALS - CHANGE ORDER NO. 3

Erie County Water Authority: _____ Date: _____
Chairman

Contractor: _____ Date: _____
STC Construction, Inc.

Engineer: _____ Date: 10/16/2018
Nussbaumer & Clarke, Inc.

SUMMARY

CHANGE IN CONTRACT PRICE:

Original Contract Price:
\$ 3,512,506.00

**Net changes from previous
Change Orders:**
No. 1 - 2
\$ 139,914.00

**Contract Price prior to this
Change Order:**
\$ 3,652,420.00

**Net Increase of this
Change Order:**
\$ 88,127.00

**Contract Price with All Approved
Change Orders:**
\$ 3,740,547.00

CHANGE IN CONTRACT TIME:

Original Contract Time:
Milestone M1: Feb. 4, 2017
Substantial Completion: Jan. 31, 2018
Final Completion: Feb. 28, 2018

**Net changes from Previous
Change Orders:**
No. 1 - 2

Milestone M1: 85 days
Milestone M2: 0 days
Milestone M3: 0 days
Milestone M4: 0 days
Substantial Completion: 89 days
Final Completion: 75 days

**Contract Times prior to this
Change Order:**

Milestone M1: Apr. 30, 2017
Milestone M2: Mar. 31, 2018
Milestone M3: Mar. 31, 2018
Milestone M4: Apr. 30, 2018
Substantial Completion: Apr. 30, 2018
Final Completion: May. 14, 2018

**Net Increase of this
Change Order:**

Milestone M1: 0 days
Milestone M2: 0 days
Milestone M3: 0 days
Milestone M4: 0 days
Substantial Completion: 0 days
Final Completion: 186 days

**Contract Times with all Approved
Change Orders:**

Milestone M1: Apr. 30, 2017
Milestone M2: Mar. 31, 2018
Milestone M3: Mar. 31, 2018
Milestone M4: Apr. 30, 2018
Substantial Completion: Apr. 30, 2018
Final Completion: Nov. 16, 2018

ITEM 9 - APPROVAL OF AMENDMENT NO. 1 OF NUSSBAUMER & CLARKE, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES FOR THE DESIGN AND CONSTRUCTION OF WATER SYSTEM IMPROVEMENTS IN THE TOWNS OF CLARENCE AND CHEEKTOWAGA, NEW YORK, IDENTIFIED AS CONTRACT NO. NC-036 (CONTRACT C), PROJECT NO. 201700090 - \$103,400.00

Motion by seconded by

WHEREAS, heretofore and on the 28th day of April 2017, the Erie County Water Authority ("Authority") entered into an agreement with Nussbaumer & Clarke, Inc. for the design and construction of water system improvements in the Towns of Clarence and Cheektowaga, New York, identified as Contract No. NC-036 (Contract C); and

WHEREAS, said consultant has submitted Amendment No. 1 in the sum of \$103,400.00 to increase 3.D.1 Estimated Resident Inspection Fixed Fee; and

WHEREAS, the reason for said change is because the resident inspection fee in the contract was initially estimated by ECWA. The fee is being increased based on the actual construction schedule and site conditions; and

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

NOW, THEREFORE, BE IT RESOLVED:

That Amendment No. 1 of Nussbaumer & Clarke, Inc. in the amount of \$103,400.00 to provide for the abovementioned change be approved; and be it further

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

Ayes:

Noes:

11/01/18-pjf

ITEM 10 - APPROVAL OF AMENDMENT NO. 3 OF O'BRIEN & GERE ENGINEERS, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES FOR THE DESIGN AND CONSTRUCTION OF IMPROVEMENTS AT THE STURGEON POINT AND VAN DE WATER TREATMENT PLANTS AND SHORELINE EROSION CONTROL AT THE OUTFALL STRUCTURE AT STURGEON POINT WATER TREATMENT PLANT, IDENTIFIED AS CONTRACT NO. OBG-12, PROJECT NO. 201500169 - \$34,000.00

Motion by _____ seconded by _____

WHEREAS, heretofore and on the 9th day of July 2015, the Erie County Water Authority ("Authority") entered into an agreement with O'Brien & Gere Engineers, Inc. for design and construction of improvements at Sturgeon Point and Van de Water Treatment Plants and shoreline erosion control at the outfall structure at Sturgeon Point Water Treatment Plant, identified as Contract No. OBG-12; and

WHEREAS, said consultant has submitted Amendment No. 3 in the sum of \$34,000.00 to modify Scope of Services to include work added to contract due to unforeseen conditions that came up during construction and schedule delays; and

WHEREAS, the reason for the above change is the construction modifications that were implemented under the OBG-12A, H&K Services, Inc. contract that were required to complete the contract due to unforeseen conditions encountered during construction and due to delays caused by the repair work on the 42-inch transmission main at Sturgeon Point caused additional time and effort on behalf of the consultant to complete the project. The sequence of work originally outlined in the contract had to be modified to allow the contractor to perform other work while the construction schedule was constantly modified to accommodate the Authority's construction activities associated with the 42-inch transmission main repair work; and

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

NOW, THEREFORE, BE IT RESOLVED:

That Amendment No. 3 of O'Brien & Gere Engineers, Inc. in the amount of \$34,000.00 to provide for the abovementioned change be approved; and be it further

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

Ayes:

Noes:

ITEM 11 - AUTHORIZATION TO REFUND SERVICE CONNECTION FEE TO PAUL MCCARTHY - \$2,000.00

Motion by seconded by

WHEREAS, on the 14th day of August 2018, Paul McCarthy applied for a one-inch service to 6600 Goodrich Road, Town of Clarence, NY and deposited with the Erie County Water Authority ("Authority") the sum of \$2,000.00; and

WHEREAS, Amy Kirst, Account Clerk, has advised that the applicant used an existing ¾" blind tap; and

WHEREAS, Karen A. Prendergast, Comptroller, recommends that the Authority refund the \$2,000.00 deposit of Paul McCarthy; and

NOW, THEREFORE, BE IT RESOLVED:

That the Comptroller is hereby authorized and directed to refund \$2,000.00 to Paul McCarthy.

Ayes:

Noes:

11/01/18-pjf

ITEM 12 - AUTHORIZATION TO REFUND SERVICE CONNECTION FEE TO DAVID AND NIKKI HEINRICH - \$400.00

Motion by seconded by

WHEREAS, on the 27th day of April 2018, David and Nikki Heinrich applied for a two-inch service to 10030 Keller Road, Town of Clarence, New York and deposited with the Erie County Water Authority ("Authority") the sum of \$2,400.00; and

WHEREAS, Amy Kirst, Account Clerk, has advised that the applicants paid for a two-inch service, however a one-inch was installed; and

WHEREAS, Karen A. Prendergast, Comptroller, recommends that the Authority refund the \$400.00 deposit of David and Nikki Heinrich; and

NOW, THEREFORE, BE IT RESOLVED:

That the Comptroller is hereby authorized and directed to refund \$400.00 to David and Nikki Heinrich.

Ayes:

Noes:

11/01/18-pjf

ITEM 13 - AUTHORIZATION TO GRANT LEAK ALLOWANCE REQUEST - \$586.70

Motion by seconded by

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) James Malczewski
1645 Pontiac Road
Angola, NY 14006
\$586.70; 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:

Noes:

11/01/18-pjf

ITEM 14 - AUTHORIZATION FOR RICHARD DEREN, NETWORK SPECIALIST TO ATTEND THE CISCO IP ROUTING TRAINING IN ARLINGTON, VIRGINIA

Motion by seconded by

WHEREAS, the Erie County Water Authority deems it advisable for Richard Deren, Network Specialist attend the CISCO IP Routing Training in Arlington, Virginia at a total estimated cost of \$5,500.00;

NOW, THEREFORE, BE IT RESOLVED:

That Richard Deren, Network Specialist is hereby authorized to travel to Arlington, Virginia from December 9, 2018 to December 14, 2018 to attend the CISCO IP Routing Training at a total estimated cost of \$5,500.00.

Ayes:

Noes:

11/01/18-pjf

ITEM 15 - AUTHORIZATION TO GRANT A ONE-TIME COURTESY REVERSAL OF DELINQUENT CHARGES FOR MARY ANN BRATEK - \$540.03

Motion by seconded by

WHEREAS, heretofore and on the 6th day of May 2004 the Erie County Water Authority ("Authority") adopted a One-Time Courtesy Delinquent Charge Reversal Policy; and

WHEREAS, said Policy states that if the Authority receives a request to waive a late fee over \$500, the request must be approved by the Board of Commissioners of the Authority; and

WHEREAS, Karen A. Prendergast, Comptroller, advised the Authority that she has received a request to waive the delinquent charges for Mary Ann Bratek; and

WHEREAS, Karen A. Prendergast, Comptroller advised that this customer has never received a waiver of late fees in the past; and

WHEREAS, said request has complied with all one-time courtesy delinquent charge reversal requirements; and

WHEREAS, Karen A. Prendergast, Comptroller, recommends granting the above request; and

WHEREAS, Robert J. Lichtenthal, Jr., Deputy Director, concurs with said recommendation;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority grant the one-time courtesy delinquent charge reversal 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:

Noes:

11/01/18-pjf

**ITEM 16 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER
AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2018**

Motion by seconded by

WHEREAS, in a resolution dated November 13, 2017, the Erie County Water Authority (the "Authority") adopted its Annual Capital Budget for the fiscal year 2018; 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 Leonard Kowalski, Senior Distribution Engineer, that additional funding will be needed in the 2018 Capital Budget for item# 101122 – OBG-12 Sturgeon Point and Van De Water Plant Improvements; and

WHEREAS, in order to provide funding for this, 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>
2510	101015	OBG-12	<u>\$ 200,000</u>	
2510	101015	NC-34		<u>\$ 200,000</u>
Totals			\$ 200,000	\$ 200,000

NOW, THEREFORE, BE IT RESOLVED:

That the Authority's Annual Capital Budget for the fiscal year 2018 be amended as listed above.

Ayes:

Noes:

11/01/18-SVD:pjf

ITEM 17 - AUTHORIZATION TO ADOPT THE 2019 OPERATING AND MAINTENANCE BUDGET

Motion by seconded by

WHEREAS, The Annual Operating and Maintenance Budget for the fiscal year 2019 has been presented and fully reviewed by Russell J. Stoll, Executive Engineer, Robert J. Lichtenthal, Jr., Deputy Director, Terrence D. McCracken, Secretary to the Authority, Karen A. Prendergast, Comptroller and Steven V. D'Amico, Business Office Manager, who recommend its adoption;

NOW, THEREFORE, BE IT RESOLVED:

That the Annual Operating and Maintenance Budget for the fiscal year 2019 be adopted as presented; and be it further

RESOLVED: That said Annual Operating and Maintenance Budget and a certified copy of this resolution be filed with (a) Manufacturers and Traders Trust Company as Fiscal Agent for the 1998 B, 2003 F, 2008, 2016 and 2018 Bonds, issued under the Fourth General Water Revenue Bond Resolution and (b) the New York State Environmental Facilities Corporation for the Series 1998 B Bonds and Series 2003F Bonds pursuant to the Project Financing Loan Agreements; and be it further

RESOLVED: That the Comptroller is authorized to advance monies for the Extension and Improvement Fund for the Capital Program.

Ayes:

Noes:

11/01/18-pjf

ITEM 18 - AUTHORIZATION TO ADOPT THE 2019 ANNUAL CAPITAL BUDGET

Motion by seconded by

WHEREAS, The Annual Capital Budget for the fiscal year 2019 has been presented and fully reviewed by Russell J. Stoll, Executive Engineer, Robert J. Lichtenthal, Jr., Deputy Director, Terrence D. McCracken, Secretary to the Authority, Karen A. Prendergast, Comptroller and Steven V. D’Amico, Business Office Manager, who recommend its adoption;

NOW, THEREFORE, BE IT RESOLVED:

That the Annual Capital Budget for the fiscal year 2019 be adopted as presented; and be it further

RESOLVED: That said Annual Capital Budget and a certified copy of this resolution be filed with (a) Manufacturers and Traders Trust Company as Fiscal Agent for the 1998 B, 2003 F, 2008, 2016 and 2018 Bonds, issued under the Fourth General Water Revenue Bond Resolution and (b) the New York State Environmental Facilities Corporation for the Series 1998 B Bonds and Series 2003 F Bonds pursuant to the Project Financing Loan Agreements; and be it further

RESOLVED: That the Comptroller is authorized to advance monies for the Extension and Improvement Fund for the Capital Budget described in said Annual Capital Budget in contemplation of replenishment of the fund through subsequent sale of bonds or other permissible funding instruments as required.

Ayes:

Noes:

11/01/18-pjf

ITEM 19- AUTHORIZATION TO FILE THE PUBLIC AUTHORITY REPORTING INFORMATION SYSTEM (PARIS) 2019 ANNUAL BUDGET AND FINANCIAL PLAN TO THE NEW YORK STATE AUTHORITY BUDGET OFFICE

Motion by seconded by

WHEREAS, in accordance with the Public Authority Reform Act of 2005, the Erie County Water Authority (Authority) is required to file a 2019 Annual Budget and Financial Plan; and

WHEREAS, the certification statement must be affirmatively answered confirming that the Report has been presented to and accepted by the Board before the submission of the data; and

NOW, THEREFORE, BE IT RESOLVED:

That the Deputy Director as CFO is hereby authorized to file the Public Authority Reporting Information System 2019 Annual Budget and Financial Plan.

Ayes:

Noes:

11/01/18-pjf

ITEM 20 - AUTHORIZATION TO CREATE TWO POSITIONS OF ACCOUNT CLERK AND ELIMINATE ONE POSITION OF CUSTOMER SERVICE REPRESENTATIVE IN THE ERIE COUNTY WATER AUTHORITY'S 2018 O&M BUDGET

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 performance of its duties, fix and determine their qualifications, duties and compensation, subject to provisions of the Civil Service Law of the State of New York and such rules as the Personnel Officer of the County or 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 employees as it may require for the performance of its duties, subject to the provisions of the Civil Service Law of the State of New York; and

WHEREAS, in February of 2014, a Memorandum of Agreement between the Authority and the CSEA union merged the titles of Data Entry Operator and Customer Service Representative into the Account Clerk title; and

WHEREAS, due to retirements and transfers of personnel in the Account Clerk and Customer Service Representative titles, and the need to provide additional capacity in the Information Services Unit, modifications in the number and type of positions funded in the 2018 O&M budget are necessary, specifically creating two positions of Account Clerk and eliminating one position of Customer Service Representative; and

WHEREAS, a budget transfer or additional funding is not required in the 2018 O&M budget due to the unfilled vacancies in the Information Services Unit;

NOW, THEREFORE, BE IT RESOLVED:

That the Erie County Water Authority hereby creates two (2) positions of Account Clerk and eliminates one (1) position of Customer Service Representative in the Authority's 2018 O&M budget.

Ayes:
Noes:

11/01/18-pjf

ITEM 22 - _____ – APPOINTMENT AS EXECUTIVE DIRECTOR

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 _____, be appointed to the position of Executive Director at Salary Grade 36E, step 1; said appointment being subject to the approval of the Erie County Personnel Officer effective _____.

Ayes:
Noes:

11/01/18-pjf