

**ITEM 6 - 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**, as a result of transparency recommendations from the New York State Authorities Budget Office and the Buffalo Niagara Coalition for Open Government, the Authority has deemed it advisable to upgrade its facilities to enable audio and video coverage of public meetings; and

**WHEREAS**, these recommendations were made after the adoption of the 2018 Capital Budget and so no funding was included for these upgrades; and

**WHEREAS**, in order to provide funding for Board Meeting Audio and Video Equipment, funds not anticipated to be used within the Capital Budget will be reallocated as follows:

<u>Unit No</u>	<u>Item No</u>	<u>Description</u>	<u>Increase</u>	<u>Decrease</u>
8525	101424	Board Meeting Audio & Video Equip	\$ 110,000	
8525	101338	Distribution SCADA Routers		\$ 30,500
8525	101360	Mobility Software		\$ 79,500

**NOW, THEREFORE, BE IT RESOLVED:**

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

Ayes:

Noes:

11-15-18-KAP:pjf

**ITEM 7 - AUTHORIZATION TO ACCEPT THE PROPOSAL OF VERAVIEW LLC TO PROVIDE DESIGN, INSTALLATION AND PROGRAMING OF AUDIO AND VIDEO EQUIPMENT FOR THE ERIE COUNTY WATER AUTHORITY'S ELLICOTT SQUARE BOARDROOM AND SERVICE CENTER TRAINING ROOM, PROJECT NO. 201800246**

Motion by           seconded by

**WHEREAS**, heretofore and on the 2<sup>nd</sup> day of August 2018 the Erie County Water Authority's ("Authority") Board of Commissioners authorized the issuance of a Request for Proposals ("RFP") to qualified firms to provide design, installation and programming of audio and video equipment for the Authority's Ellicott Square Boardroom and Service Center Training Room; and

**WHEREAS**, a copy of the RFP was sent to:

Audio Video Corp  
Veraview LLC  
Troxell Communications  
VoIP Supply  
Cinema and Sound  
MOOD  
Sensory Technologies  
Sound Video Solutions  
Michael Latvis LLC  
AVS AVScience; and

**WHEREAS**, Veraview LLC and VoIP Supply were the only two respondents to the RFP;  
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**, upon evaluating the response to the RFP, the Authority deems it advisable to have Veraview LLC provide design, installation and programming of audio and video equipment for the Authority's Ellicott Square Boardroom and Service Center Training Room;  
and

**WHEREAS**, Terrence D. McCracken, Secretary to the Authority recommends that the Authority accept the proposal of Veraview LLC provide design, installation and programming of audio and video equipment for the Authority's Ellicott Square Boardroom and Service Center Training Room; and

**NOW, THEREFORE, BE IT RESOLVED:**

That, contingent upon the review and approval of the Legal Department, the Authority accepts the proposal of Veraview LLC to provide design, installation and programming of audio and video equipment for the Authority's Ellicott Square Boardroom and Service Center Training Room; and

**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 agreement, the Restricted Period will cease; and be it further

**RESOLVED:** That the Chairman is hereby authorized to execute all and any agreements necessary on behalf of the Authority; and be it further

**RESOLVED:** That the Secretary is hereby authorized to forward a certified copy of this resolution to Veraview LLC.

Ayes:

Noes:

11-15-18-pjf

**ITEM 8 - AUTHORIZATION TO ENTER INTO A MODIFICATION AGREEMENT  
RELATIVE TO AN EASEMENT BETWEEN THE ERIE COUNTY WATER  
AUTHORITY AND NIAGARA MOHAWK POWER CORPORATION**

Motion by                      seconded by

**WHEREAS**, the Erie County Water Authority (the “Authority”) owns real property located on Sweet Home Road in the Town of Amherst, Erie County, New York, commonly known as Town of Amherst Tax Parcel (S-B-L) No. 54.04-2-6.1; and

**WHEREAS**, located on said parcel are a pump station, storage tanks and an electrical substation which together are known as the Richard F. Ball Pump Station (“Ball Pump Station”); and

**WHEREAS**, the Authority granted Niagara Mohawk Power Corporation (“Niagara Mohawk”) an easement dated January 3, 1979 for the purpose of transmission and distribution of electricity to Ball Pump Station; and

**WHEREAS**, the Authority is in the process of upgrading its electrical substation, identified as Contract No. NC-35 Ball Pump Station Electrical Substation; and

**WHEREAS**, as part of this project the Authority needs Niagara Mohawk to install a new tower to relocate the transmission lines for the new substation; and

**WHEREAS**, in the interest of avoiding any project delays the Authority and Niagara Mohawk desire to enter into an Easement Modification Agreement to amend the original easement noted above to include the land that encompasses the new tower; and

**WHEREAS**, Margaret A. Murphy, Attorney recommends entering into an Easement Modification Agreement with Niagara Mohawk;

**NOW, THEREFORE, BE IT RESOLVED:**

That the Authority accepts the Easement Modification Agreement between the Authority and Niagara Mohawk to amend the original easement noted above to include the land that encompasses the new tower; and be it further

**RESOLVED:** That the Chairman is hereby authorized to execute said agreement on behalf of the Authority; and be it further

**RESOLVED:** That the Secretary is hereby authorized to forward an executed copy of said Agreement together with a certified copy of this resolution to Niagara Mohawk.

Ayes:

Noes:

11/15/18-pjf

**ITEM 9 - AUTHORIZATION TO SOLICIT REQUEST FOR PROPOSALS FOR  
MICROWAVE RADIO MAINTENANCE SERVICES, PROJECT NO.  
201900006**

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 contract for expert professional services; and

**WHEREAS**, Article III, Section 6 of the Authority's By-Laws grants to the Authority the right to contract for expert professional services; and

**WHEREAS**, The Authority deems it necessary to issue a Request for Proposal (“RFP”) to qualified firms to provide Microwave Radio Maintenance Services; and

**WHEREAS**, the proposals received by the Authority will be evaluated in accordance with the terms of the RFP, and a professional services contract will be negotiated and executed with the successful offerer; and

**WHEREAS**, the RFP for Microwave Radio Maintenance Services will be conducted pursuant to the enacted legislation, New York State Finance Law §§ 139-j and 139-k and the Authority’s Purchasing Guidelines, Policies and Procedures; and

**WHEREAS**, Jeffrey Schlierf, will be the designated contact person for the RFP with the adoption of this resolution; and

**WHEREAS**, Robert J. Lichtenthal, Jr., Deputy Director, recommends that the Board approve the RFP;

**NOW, THEREFORE BE IT RESOLVED:**

The Authority is hereby authorized to issue a RFP to qualified firms to provide Microwave Radio Maintenance Services conditioned upon further review as to the availability and applicability of cyber and security and privacy insurance coverage for such vendors.

Ayes:

Noes:

11/15/18-pjf

**ITEM 10 - AWARD OF CONTRACT TO KOESTER ASSOCIATES, INC. FOR FURNISHING AND DELIVERING OF HALOGEN ACTUATORS AND CONTROLLER UNITS FOR STURGEON POINT WATER TREATMENT PLANT AND VAN DE WATER WATER TREATMENT PLANT, PROJECT NO. 201800105 - \$183,879.00**

Motion by                      seconded by

**WHEREAS**, The Erie County Water Authority (Authority) heretofore advertised in the Dodge Reports and New York State Contract Reporter on the 15<sup>th</sup> 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 halogen actuators and controller units for Sturgeon Point Water Treatment Plant and Van de Water Water Treatment Plant; and

**WHEREAS**, Sealed bids or proposals were opened in the office of the Authority on the 11<sup>th</sup> day of September 2018, at 11:00 a.m., local time, and were as follows:

<b>BIDDERS</b>	<b>AMOUNT</b>
KNW Sales, LLC d/b/a/ Pertech	\$138,194.00
Koester Associates, Inc.	183,879.00; and

**WHEREAS**, John J. Mogavero, Chemist and Chief WTPO advised that the apparent low bidder failed to meet the bid specifications as they were unable to meet the insurance requirements and, therefore, recommends that this bid be rejected as non-responsive; and

**WHEREAS**, as a result of the above information, Russell J. Stoll, Executive Engineer and John J. Mogavero, Chemist and Chief WTPO recommend that bid number 1 be deemed non-responsive and that the contract be awarded to the second lowest bidder, Koester Associates, Inc.; and

**WHEREAS**, Russell J. Stoll, Executive Engineer and John J. Mogavero, Chemist and Chief WTPO have reviewed the specifications and bids and determined that Koester Associates, Inc. is the next lowest responsive bidder qualified to perform the project and have recommended that a contract be awarded to that firm for the abovementioned project; and

**NOW, THEREFORE, BE IT RESOLVED:**

That the Authority deem bid number 1 non-responsive and award said project to the second lowest bidder in accordance with the terms and conditions stated in Paragraph 5 of the Instructions to Bidders Section of the specification and contract documents; and be it further

**RESOLVED:** That it is hereby determined that Koester Associates, Inc. is the lowest responsive 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 halogen actuators and controller units for Sturgeon Point Water Treatment Plant and Van de Water Water Treatment Plant in the total amount of \$183,879.00; 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:

11/15/18-pjf



**ITEM 11 - APPROVAL OF CHANGE ORDER NO. 1 OF DJM CONTRACTING, INC.  
FOR CONTRACT NO. NC-36, WATER SYSTEM IMPROVEMENTS IN THE  
TOWNS OF CHEEKTOWAGA AND CLARENCE, NEW YORK, PROJECT  
NO. 201700090, CONTRACT NO. 18-15-03**

Motion by                      seconded by

**WHEREAS**, heretofore and on the 8<sup>th</sup> day of March 2018, the Erie County Water Authority ("Authority") authorized awarding a contract to DJM Contracting, Inc. for Contract No. NC-36, Water System Improvements in the Towns of Cheektowaga and Clarence, New York, identified as Contract No. 18-15-03; and

**WHEREAS**, said contractor has submitted Change Order No. 1 to provide for the following change:

1. Section 00500 Agreement, Article 3 – Contract Times, 3.02 Milestone Dates, delete Item A in its entirety and substitute the following:

“A. The work shall be substantially completed within 239 days after the date when the Contract Times commence to run as provided in Paragraph 2.03 of the General Conditions and completed and ready for final payment in accordance with paragraph 14.07 of the General Conditions within 269 days from the date when the Contract Times commence to run.”; and

**WHEREAS**, the reason for said change is as follows:

1. Utility conflicts that resulted in an alignment change along Stahley Road, bedrock that was encountered at a shallower depth than expected along Eggert Road and repairs that were made to the existing watermain along Ivanhoe Road caused delays in production for DJM Contracting, Inc. (DJM). DJM also experienced a delay in production during bacteriological testing on Ivanhoe Road that was caused by low chlorine levels in the existing main. These resulted in a delay of 14 days for DJM; and

**WHEREAS**, Nussbaumer & Clarke, Inc., Consulting Engineers, 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 DJM 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:

Noes:

11/15/18-pjf



**ITEM 13 - AUTHORIZATION TO EXTEND THE CONTRACT WITH CARUS CORPORATION FOR THE FURNISHING AND DELIVERING OF POTASSIUM PERMANGANATE TO THE ERIE COUNTY WATER AUTHORITY FOR USE IN THE TREATMENT OF WATER FROM APRIL 1, 2017 THROUGH MARCH 31, 2019, PROJECT NO. 201700009, IDENTIFIED AS CONTRACT NO. 17-04-04**

Motion by                      seconded by

**WHEREAS**, heretofore and on the 6<sup>th</sup> day of April 2017 the Erie County Water Authority ("Authority") authorized awarding a contract to Carus Corporation for the furnishing and delivering of Potassium Permanganate to the Erie County Water Authority for use in the Treatment of Water from April 1, 2017 through March 31, 2019, identified as Contract No. 17-04-04; and

**WHEREAS**, pursuant to Paragraph 15 (Grounds for Renewal of Contract) of the Agreement Section, if the Authority and Supplier mutually agree to continue this Contract after the 31<sup>st</sup> day of March 2019, it shall be extended for the term of one (1) year on the same terms and conditions provided for in the Contract; and

**WHEREAS**, Carus Corporation submitted a letter dated October 3, 2018 requesting a one-year extension; and

**WHEREAS**, John Mogavero, Chemist and Chief WTPO and Russell J. Stoll, Executive Engineer recommend extending the contract for a one-year period; and

**NOW, THEREFORE, BE IT RESOLVED:**

That the Authority extends the contract with Carus Corporation for the furnishing and delivering of Potassium Permanganate to the Erie County Water Authority for use in the treatment of water, identified as Contract No. 17-04-04 for a one-year period; and be it further

**RESOLVED:** That the Chairman is hereby authorized to execute the Contract Extension Form submitted.

Ayes:

Noes:

11/15/18-pjf

**ITEM 14 - AUTHORIZATION TO REFUND SERVICE CONNECTION FEE TO E&R  
GENERAL CONSTRUCTION, INC. - \$2,000.00**

Motion by           seconded by

**WHEREAS**, On the 25<sup>th</sup> day of September 2018, E&R General Construction, Inc. applied for a ¾" service to 4128 N. Freeman Road, Town of Orchard Park, New York and deposited with the Erie County Water Authority ("Authority") the sum of \$2,000; and

**WHEREAS**, Amy Kirst, Account Clerk, has advised that applicant applied for a ¾" service, however, a service already existed to the line; and

**WHEREAS**, Karen A. Prendergast, Comptroller, recommends that the Authority refund the \$2,000.00 deposit of E&R General Construction, Inc E&R General Construction, Inc.; and

**NOW, THEREFORE, BE IT RESOLVED:**

That the Comptroller is hereby authorized and directed to refund \$2,000 to E&R General Construction, Inc.

Ayes:

Noes:

11/15/18-pjf

**ITEM 15 - AUTHORIZATION TO REFUND SERVICE CONNECTION FEE TO DAVID SARLES - \$400.00**

Motion by                      seconded by

**WHEREAS**, On the 5<sup>th</sup> day of October 2018, David Sarles applied for a 1½” service to 5505 Thompson 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 applicant applied for a 1½” service, however, a 1” service was installed; and

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

**NOW, THEREFORE, BE IT RESOLVED:**

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

Ayes:

Noes:

11/15/18-pjf

**ITEM 16 - AUTHORIZATION TO GRANT LEAK ALLOWANCE REQUESTS -  
\$2,027.64**

Motion by           seconded by

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

- |  |   |
|--|---|
| 1) Holy Cross Cemetery<br>925 Ridge Road<br>Lackawanna, NY 14218<br>\$1,526.44 | 2) Charter Community Assoc.<br>Skinnersville Road<br>Amherst, NY 14228<br>\$501.20; and |
|--|---|

**WHEREAS**, Robert J. Lichtenthal, Jr., Deputy Director advised that the requests contain documentation showing that the leaks have been repaired; and

**WHEREAS**, said leak allowance requests have 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 requests;

**NOW, THEREFORE, BE IT RESOLVED:**

That the Authority grant the leak allowance requests to the abovementioned customers; and be it further

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

Ayes:

Noes:

11/15/18-pjf