

ITEM 6 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR CONTRACT NO: WSA-013, WATER SYSTEM IMPROVEMENTS LARGE VALVE REPLACEMENTS, CITY OF LACKAWANNA, TOWNS OF AMHERST, CHEEKTOWAGA, HAMBURG AND WEST SENECA, PROJECT NO. 201800081

Motion by seconded by

WHEREAS, Russell J. Stoll, Executive Engineer and Leonard F. Kowalski, Senior Distribution Engineer recommend that the Erie County Water Authority ("Authority") publish a notice inviting sealed bids pursuant to § 1069 of the Public Authorities Law for Contract No: WSA-013, Water System Improvements Large Valve Replacements, City of Lackawanna, Towns of Amherst, Cheektowaga, Hamburg and West Seneca; and

WHEREAS, the material, labor and services for the above-mentioned project will be in excess of \$10,000.00 for materials and supplies and \$5,000.00 for construction and

WHEREAS, the Advertisement for Bids for Contract No: WSA-013, Water System Improvements Large Valve Replacements, City of Lackawanna, Towns of Amherst, Cheektowaga, Hamburg and West Seneca will be in accordance with the provisions of New York State Finance Law §§ 139-j and 139-k and the Authority's Purchasing Guidelines, Policies and Procedures; and

WHEREAS, Wm. Schutt Associates, as the Consulting Engineer, will be the designated contact for the project upon the adoption of this resolution;

NOW, THEREFORE, BE IT RESOLVED:

That the plans and specifications, and form of bid be prepared for Contract No: WSA-013, Water System Improvements Large Valve Replacements, City of Lackawanna, Towns of Amherst, Cheektowaga, Hamburg and West Seneca 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 pursuant to § 1069 of the Public Authorities Law for the above-mentioned project.

Ayes: %AYES%

Noes: %NOES%

ITEM 7 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR CHEMISTRY AND MICROBIOLOGY PROFICIENCY SAMPLES AND CHEMISTRY STANDARDS FOR THREE YEARS FROM FEBRUARY 1, 2019 TO JANUARY 31, 2022, PROJECT NO. 201900009

Motion by %MOTION% seconded by %SECOND%

WHEREAS, Russell J. Stoll, Executive Engineer and John Mogavero recommend that the Erie County Water Authority ("Authority") publish a notice inviting sealed bids pursuant to § 1069 of the Public Authorities Law for Chemistry and Microbiology Proficiency Samples and Chemistry Standards for Three Years from February 1, 2019 to January 31, 2022; and

WHEREAS, the materials, labor and services for the abovementioned project will be in excess of \$10,000.00; and

WHEREAS, the Advertisement for Bids for Chemistry and Microbiology Proficiency Samples and Chemistry Standards for Three Years from February 1, 2019 to January 31, 2022 will be conducted pursuant to New York State Finance Law §§ 139-j and 139-k and the Authority's Purchasing Guidelines, Policies and Procedures; and

WHEREAS, John J. Mogavero, Chemist/Chief WTPO 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 Chemistry and Microbiology Proficiency Samples and Chemistry Standards for Three Years from February 1, 2019 to January 31, 2022 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 § 1069 of the Public Authorities Law for the abovementioned project.

Ayes: %AYES%

Noes: %NOES%

12/20/18 – slz

ITEM 8 - APPROVAL OF CHANGE ORDER NO. 2 OF GEITER DONE OF WNY, INC. FOR EXCAVATED MATERIAL REMOVAL AND DISPOSAL, APRIL 1, 2018 THROUGH MARCH 31, 2020, PROJECT NO. 201800010, CONTRACT NO. 18-17-04 - \$1,501.25

Motion by seconded by

WHEREAS, heretofore and on the 1st day of April 2018, the Erie County Water Authority ("Authority") entered into a contract with Geiter Done of WNY, Inc. ("Geiter") for Excavated Material Removal and Disposal, April 1, 2018 through March 31, 2020, identified as Contract No. 18-17-04; and

WHEREAS, said contractor has submitted Change Order No. 2 in the sum of \$1,501.25 to provide labor, tools, equipment, and materials to perform emergency asbestos pipe removal on October 15, 2018 on Iroquois Avenue, Lancaster, New York; and

WHEREAS, the reason for said change is because the Authority encountered asbestos pipe during a watermain repair under Cityworks order number 32578 but is not licensed to perform removal; and

WHEREAS, the Authority has an existing contract with Geiter, a licensed asbestos removal company; and

WHEREAS, Russell J. Stoll, Executive Engineer and Leonard F. Kowalski, Sr. Distribution Engineer recommends approval of said Change Order No. 2 so Geiter may be compensated for performing this emergency service;

NOW, THEREFORE, BE IT RESOLVED:

That Change Order No. 2 of Geiter Done of WNY, Inc. in the amount of \$1,501.25 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:

12/20/18-pjf

ITEM 9 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH O'BRIEN & GERE ENGINEERS, INC. PROJECT NO. 201800136, CONTRACT OBG-013

Motion by seconded by

WHEREAS, on the 8th day of February, 2018 the Erie County Water Authority's ("Authority") Board of Commissioners authorized the issuance of a Request for Proposals ("RFP") for four projects:

Ball North Storage Tank Replacement,
Guenther Pump Station Rehabilitation,
Capital Improvements Program for Ball Pump Station,
and Hydraulic Integrity – Reliability of Water Supply and Alternate Sources; and

WHEREAS, A copy of the RFP was sent to:

Arcadis
CHA Consulting, Inc.
Clark Patterson Lee
GHD
Greenman-Pedersen, Inc.
Nussbaumer & Clarke, Inc.
O'Brien & Gere Engineers
and Wendel WD Architecture, Engineering, Surveying and Landscape Architecture, P.C.
(Wendel); and

WHEREAS, proposals for the Hydraulic Integrity – Reliability of Water supply and Alternate Sources project was received from three firms:

CHA Consulting, Inc.,
Nussbaumer & Clarke, Inc., and
O'Brien & Gere, Engineers; and

WHEREAS, the RFP process was conducted pursuant New York State Finance Law §§139-j and 139-k and the Authority's Purchasing Guidelines, Policies and Procedures; and

WHEREAS, upon evaluating the responses to the RFP, Russell J. Stoll, Executive Engineer and Leonard F. Kowalski, Sr. Distribution Engineer recommend that the Authority enter into a Professional Services Contract with O'Brien & Gere Engineers;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority accepts the proposal of O'Brien & Gere Engineers to provide an Erie County Water Authority Hydraulic Integrity – Reliability of Water Supply and Alternate Sources study; 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 agreement, the Restricted Period will cease; and be it further

RESOLVED:

That the Chairman hereby is authorized to execute said Professional Services Contract on behalf of the Authority; and be it further

RESOLVED:

That the Secretary hereby is authorized to forward an executed copy of said Professional Services Contract together with a certified copy of this resolution to O'Brien & Gere Engineers.

Ayes:

Noes:

12/20/18 – SLZ

**ITEM 10 - AUTHORIZATION TO REFUND SERVICE CONNECTION FEE TO
ASHLEY ACEVEDO - \$2,000.00**

Motion by seconded by

WHEREAS, on September 9, 2018, Ashley Acevedo applied for a ¾” service to 2246 Shadagee Road, Eden, New York and deposited with the Erie County Water Authority ("Authority") the sum of \$2,000.00; and

WHEREAS, Amy Kirst, Account Clerk advised that applicant did not use the ¾” service; and

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

NOW, THEREFORE, BE IT RESOLVED:

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

Ayes:

Noes:

12/20/18-pjf

ITEM 11 - AUTHORIZATION TO GRANT LEAK ALLOWANCE REQUEST - \$1,073.47

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) KUB Holdings LLC
3999 Lake Shore Road
Blasdell, NY 14219
\$1,073.47; 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:

12/20/18-pjf

**ITEM 12 - 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 due to better than expected progress on 2018 Capital Budget item# 101268 – NC-35 Electrical Substation, additional funding will be needed; and

WHEREAS, in order to provide funding, funds within the Capital Budget not expected to be used in 2018 will be re-allocated as follows:

<u>Unit No</u>	<u>Capital No:</u>	<u>Description</u>	<u>Increase</u>	<u>Decrease</u>
2520	101268	NC-35	\$ <u>1,500,000</u>	
2520	101357	W-31		\$ 50,000
2520	101358	GHD-007		175,000
2520	101359	MP-80		100,000
2590	101265	NC-26		250,000
2590	101266	CH-009		250,000
2590	101352	NC-38		100,000
2590	101188	Betterments		<u>575,000</u>
			Totals \$ 1,500,000	\$ 1,500,000

NOW, THEREFORE, BE IT RESOLVED:

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

ITEM 13 - AUTHORIZATION TO SETTLE INSURANCE CLAIM RELATNG TO THE 42-INCH WATERMAIN BREAK AT STURGEON POINT TREATMENT PLANT

Motion by seconded by

WHEREAS, on August 6, 2017, the Erie County Water Authority (the “Authority”) discovered a major break in a 42-inch water main that was buried approximately 20 feet below grade at the Sturgeon Point Water Treatment Plant; and

WHEREAS, as part of the emergency response, the Authority’s Claims Representative/ Risk Manager, Anthony Alessi, launched an investigation to preserve all evidentiary proof necessary to file and support an insurance claim with the Authority’s carrier; and

WHEREAS, with the assistance of representatives from Lawley Services and part-time Associate Attorney Shannon Heneghan, Mr. Alessi timely submitted a notice of insurance claim in the amount to \$2,365,429.09 to AFM Insurance Company (“AFM”), an affiliated company of FM Global Group; and

WHEREAS, the amount sought in this insurance claim is subject to a \$250,000.00 combined, per occurrence, deductible for which Mr. Alessi has requested AFM to recover in any subsequent, subrogation claim that may be filed by AFM; and

WHEREAS, an AFM insurance adjuster has reviewed the details of the Authority insurance claim with both Mr. Alessi and the Authority’s Senior Distribution Engineer, Leonard Kowalski;

WHEREAS, the AFM adjuster has reviewed and accepted, without any adjustment, 10 of 14 items submitted as part of the Authority’s damage claim; and

WHEREAS, the AFM adjuster has made adjustments to the remaining four items based on ATM’s determination that some of the damages sought are not within the terms of coverage; and

WHEREAS, the total adjustment reduces the Authority’s claim from \$2,365,429.08 to \$1,619,179.02; and

WHEREAS, AFM has made an offer to settlement the Authority’s claim in the amount of \$1,369,179.02 after deducting \$250,000; and

WHEREAS, the Authority’s Deputy Director, Executive Engineer and Comptroller have reviewed this settlement with Mr. Alessi and Mr. Kowalski, and all of them concur that this is a fair and reasonable settlement under the terms of the Authority’s policy;

NOW, THEREFORE, BE IT RESOLVED:

The Authority's Board of Commissioners agree to settle this insurance claim in the amount of \$1,369,179.02; and be it forth

RESOLVED, Secretary of the Authority is authorized to communicate the Board's acceptance of settlement offer; and be it forth

RESOLVED, Secretary of the Authority shall confirm in this communication the method by which payment is to be received by the Authority and that the Authority has no other insurance coverage to which it may seek recovery for these losses.

Ayes:

Noes:

12/20/18 MAM/SLZ

ITEM 14 - RATIFICATION OF THE TENTATIVE AGREEMENT WITH THE BROTHERHOOD OF WESTERN NEW YORK WATER WORKERS, AFL-CIO, AND AUTHORIZATION TO AMEND THE AUTHORITY'S CAREER AND SALARY PLAN RELATIVE TO THE BLUE COLLAR BARGAINING UNIT

Motion by seconded by

WHEREAS, at a regular meeting of the Erie County Water Authority ("Authority") held on the 11th day of October 1956, the Authority adopted a resolution establishing a Career and Salary Plan effective October 1, 1956, which plan has been extended by resolution of the Authority from time to time; and

WHEREAS, the Brotherhood of Western New York Water Workers, AFL-CIO ("Union") represent certain Authority employees, designated as the Blue Collar Bargaining Unit; and

WHEREAS, the Authority and the Union have been negotiating a new Collective Bargaining Agreement to replace the existing agreement which expired on March 31, 2017; and

WHEREAS, the negotiating committees representing the Union and the Authority have adopted terms for a Tentative Agreement that has been presented by the Union at a membership ratification meeting held on November 30, 2018; and

WHEREAS, on December 3, 2018, Daniel Rusin, President of the Union advised the Authority's negotiating team that the Tentative Agreement was accepted and ratified by its members; and

WHEREAS, the Tentative Agreement is subject to approval by the Board of Commissioners (the "Board"); and

WHEREAS, the Authority's negotiating team deems it advisable for the Board to ratify the Tentative Agreement and to provide the wage and fringe benefits set forth therein to employees in the Blue Collar Bargaining Unit, in the form of a new Collective Bargaining Agreement effective on the dates set forth in said agreement;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority adopts the aforementioned wage and fringe benefits for those employees in the Blue Collar Bargaining Unit contained in the Tentative Agreement and authorizes the necessary amendments to the Authority's Career and Salary Plan and personnel rules to implement these changes; and be it further

RESOLVED: That the Members of the Authority negotiating team are authorized and directed to execute a new seven (7) year Collective Bargaining Agreement, incorporating the amendments contained in this Tentative Agreement, with the authorized bargaining representatives of the Brotherhood of Western New York Water Workers; and be it further

RESOLVED: That the Comptroller is authorized to make the payments set forth in said Agreement.

Ayes:

Noes:

12/20/18-pjf

ITEM 15 - SALARY INCREMENTS - JANUARY 1, 2019

Motion by seconded by

WHEREAS, the Erie County Water Authority adopted a Career and Salary Plan for its employees, which, among other things, provides a five-step wage and salary increment schedule; said increments shall be granted after due consideration of merit and quality of individual performance; and

WHEREAS, the compensation for each increment shall be as specified in the salary schedules for each specific salary grade; and

WHEREAS, satisfactory evaluations have been presented to the Board for the employees listed on the attached sheet recommending increments;

NOW, THEREFORE, BE IT RESOLVED:

That the awarding of salary increments to the employees listed on the attached sheet in their respective salary grades and to the steps listed on their increment anniversary, namely January 1, 2019 is hereby approved; and be it further

RESOLVED:

That the Comptroller is hereby directed to pay said increments in accordance with the amendment to the Career and Salary Plan herein described.

Ayes:

Noes:

12/20/18-slz

SALARY STEP INCREMENTS - JANUARY 2019

EMP NO	LAST NAME	FIRST NAME	TITLE	UNION CODE	GRADE	CURRENT STEP	NEW STEP
243	BARBER	BENJAMIN	METER SERVICE CREW CHIEF	C	25	4	5
821	BURNS	JOSEPH	DEPUTY ADMINISTRATIVE DIRECTOR	E	36E	4	5
427	CANSDALE	JAMES	WATER UTILITY WORKER	A	3B	2	3
127	CARIUS	RANDY	WATER TREATMENT PLANT OPERATOR	A	6B	3	4
125	CHESNUT	DONNA	PLANNER - GEOGRAPHIC INFORMATION SYSTEMS	C	13	2	3
860	DASH	KEITH	MUNICIPAL LIAISON ECWA (PART-TIME)	E	15E	2	3
855	DENZLER	STEVEN	DISTRIBUTION ENGINEER	E	25E	3	4
129	FLEMING	SHERRY	ACCOUNT CLERK	C	05	2	3
74	GABBEY, JR	THOMAS	CREW CHIEF (ECWA)	C	22F	B	1
901	GIL	MELODY	ACCOUNT CLERK	C	05	4	5
152	GOOD	SHANE	WATER UTILITY WORKER	A	3A	2	3
861	HAENDIGES	MICHAEL	PRODUCTION ENGINEER	E	25E	2	3
2194	KOSTEK	GARY	ENGINEERING DRAFTSWORKER	C	07	B	1
813	LESTER	LAVONYA	DIRECTOR OF EQUAL EMPLOYMENT OPPORTUNITY	E	16E	3	4
426	LIVSEY	MICHAEL	WATER UTILITY WORKER	A	3A	2	3
816	MATTINA	JACQUELINE	DEPUTY ASSOCIATE ATTORNEY	E	18E	4	5
110	MATTISON	JOHN	INSTRUMENTATION ELECTRICAL & ELECTRONIC TECHNCIAI	C	26	3	4
729	MCCRACKEN	TERRENCE	SECRETARY TO THE AUTHORITY	E	36E	3	4
417	MCKERNAN	RYAN	WATER TREATMENT PLANT OPERATOR	A	6B	3	4
853	MICHNIK	DANIEL	ADMINISTRATIVE ASSISTANT	E	19E	3	4
857	MURPHY	MARGARET	ATTORNEY	E	36E	3	4
131	PAPISZ	ADAM	METER SERVICE WORKER	A	4B	2	3
859	PLANAVSKY	RICHARD	CHIEF BUSINESS OFFICE MANAGER - BUDGET DIRECTOR	E	28E	2	3
115	POPEK	KARL	CONTROL OPERATOR	A	6B	4	5
2021	RUSIN	ALEXANDER	WATER UTILITY WORKER	A	3A	2	3
143	SANOK	KATHY	MESSENGER	C	01	2	3
858	SIKORSKI-PETRITZ	DARLENE	DEPUTY ASSOCIATE ATTORNEY	E	18E	2	3
126	SLOWIK	LEAH	ACCOUNT CLERK	C	05	2	3
747	STOCKDALE	BRETT	INSTRUMENTATION ELECTRICAL & ELECTRONIC TECHNCIAI	C	26	4	5
153	STOLL	BRENDEN	ENGINEERING DRAFTSWORKER	C	07	B	1
133	SUDYN	PAUL	METER SERVICE WORKER	A	4B	2	3
128	WILLSON	TIMOTHY	WATER TREATMENT PLANT OPERATOR	A	6B	3	4

ITEM 16 - FIRST LONGEVITY INCREMENTS - JANUARY 1, 2019

Motion by seconded by

WHEREAS, by Item No. 2 of the Minutes of the Meeting of January 31, 1963, the Authority adopted the following amendment to its Career and Salary Plan to provide for a longevity increment:

When an employee holding a position allocated to a salary grade prescribed in the Erie County Water Authority's Career and Salary Plan, adopted by resolution of the Authority dated October 11, 1956, has reached, by or after January 1, 1964, a salary equal to or in excess of the maximum salary grade of the grade of his/her position, a position in the same salary grade for a period of five (5) years in the aggregate, he/she shall be entitled on the first day of the fiscal year following completion of such service, to receive an additional increment of the grade to which his/her position is allocated, provided, however, that the salary of such employee shall not be increased pursuant to this provision to an amount in excess of the maximum salary of the grade of his/her position plus one additional increment of such grade; and

WHEREAS, the employees listed on the attached sheet are entitled to a first longevity increment inasmuch as the date of their last regular increment was five years or more;

NOW, THEREFORE, BE IT RESOLVED:

That the awarding of first longevity increments to the employees listed on the attached sheet in the grade to which their positions are allocated commencing January 1, 2019 in accordance with the aforementioned amendment to the Career and Salary Plan is hereby approved; and be it further

RESOLVED: That the Comptroller is hereby directed to pay said increments in accordance with the amendment to the Career and Salary Plan herein described.

Ayes:

Noes:

12/20/18-slz

FIRST LONGEVITY INCREMENTS - JANUARY 2019

EMP NO	LAST NAME	FIRST NAME	TITLE	UNION CODE	GRADE	CURRENT STEP	NEW STEP
202	AMMERMAN	RICHARD	WATER TREATMENT PLANT OPERATOR	A	6B	5	5+1
210	BARTUS	STEVEN	METER SERVICE WORKER	A	4B	5	5+1
577	CARLIN	MICHAEL	SENIOR CUSTOMER SERVICE REPRESENTATIVE	C	10	5	5+1
1741	CATANZARO	SAMUEL	LINE MAINTENANCE OPERATOR	A	5A	5	5+1
205	CRYAN	BERNARD	WATER UTILITY WORKER	A	3B	5	5+1
380	DETAMBLE	CHRISTOPHER	WATER TREATMENT PLANT OPERATOR	A	6B	5	5+1
87	EAGAN	ALAN	LINE MAINTENANCE OPERATOR	A	5A	5	5+1
551	FALKOWSKI	JUSTYNA	PRINCIPAL CLERK TYPIST	C	16	5	5+1
208	HILLOCK, JR	GEORGE	METER SERVICE WORKER	A	4B	5	5+1
209	KATILUS	MICHAEL	METER SERVICE WORKER	A	4B	5	5+1
385	LOUTH	CHRISTOPHER	WATER TREATMENT PLANT OPERATOR	A	6B	5	5+1
384	MICHALSKI	ROBERT	WATER UTILITY WORKER	A	3B	5	5+1
340	NATWORA	WALTER	WATER TREATMENT PLANT OPERATOR	A	6B	5	5+1
810	PALUCH	STEPHEN	GENERAL CREW CHIEF	E	19E	5	5+1
76	PIETRZAK	THOMAS	LINE MAINTENANCE OPERATOR	A	5A	5	5+1
552	PRENDERGAST	KAREN	COMPTROLLER	E	33E	5	5+1
64	STOJKOWSKI	DRAGAN	LINE MAINTENANCE OPERATOR	A	5A	5	5+1
791	TOMAKA	JOYCE	ASSISTANT MANAGER OF ACCOUNTING SERVICES	E	26E	5	5+1
341	WOOD	DONALD	WATER TREATMENT PLANT OPERATOR	A	6B	5	5+1
339	WYPIJ	PATRICK	WATER TREATMENT PLANT OPERATOR	A	6B	5	5+1

ITEM 17 - ADDITIONAL LONGEVITY INCREMENTS - JANUARY 1, 2019

Motion by seconded by

WHEREAS, by resolution identified as Item No. 27 of the Minutes of the Meeting of April 1, 1969, the Erie County Water Authority adopted the amendment to its Career and Salary Plan for hourly-rated employees in Sub Grade 1 through Grade 6, inclusive, to provide, among other things, a second longevity increment; and

WHEREAS, said increment is as follows:

When an employee has received his/her first longevity increment in accordance with the provisions of Item No. 2 of the Minutes of the Meeting of January 31, 1963, and continues in the same position for an additional five (5) years without increments, he /she shall be entitled, on such first day of the fiscal year following completion of such service, to receive a second longevity increment of the grade to which his/her position is allocated, provided, however that the salary of such employee shall not be increased pursuant to this provision to an amount in excess of the maximum salary of the grade of his/her position plus two additional increments in such grade; and

WHEREAS, by resolution identified as Item No. 31 of the Minutes of the Meeting of February 10, 1970, the Authority amended its Career and Salary Plan for annual salaried employees in Grade 1 through 36 inclusive, to provide the aforementioned second longevity increment to these employees; and

WHEREAS, by resolution identified as Item No. 6 of the Minutes of the Meeting of April 1, 1971, the Authority authorized a third longevity increment to be provided after an employee continues in the same position for an additional five (5) years without increments; said increment shall not exceed the salary grade of the position to an amount in excess of the maximum salary of the grade plus three (3) additional increments of such grade; and

WHEREAS, by resolution identified as Item No. 27 of the Minutes of the Meeting of March 12, 1987, the Authority authorized a fourth longevity step for employees in the white-collar bargaining unit and employees not eligible for membership in a collective bargaining unit; said increment to be provided after an employee is in the same salary grade for an additional five (5) years without increments after receiving his/her third longevity increment; and

WHEREAS, by resolution identified as Item No. 38 of the Minutes of the Meeting of July 9, 1987, the Authority authorized the aforementioned fourth longevity step under the same conditions for employees in the Blue Collar Bargaining Unit; and

WHEREAS, by resolution identified as Item No. 22 of the Minutes of the Meeting of September 9, 1999, the Authority authorized a fifth longevity step and reduced the interval from five (5) years to four (4) years for employees in the White Collar Bargaining Unit; and

WHEREAS, that the employees listed on the attached sheet are entitled to additional longevity increments effective January 1, 2019 in accordance with the terms of the Authority's Career and Salary Plan;

NOW, THEREFORE, BE IT RESOLVED:

That the awarding of additional longevity increments to the employees listed on the attached sheet in the grades to which their positions are allocated commencing January 1, 2019 in accordance with the aforementioned amendment to the Career and Salary Plan is hereby approved; and be it further

RESOLVED: That the Comptroller is hereby directed to pay said increments to the above employees.

Ayes:

Noes:

12/20/18-slz

ADDITIONAL LONGEVITY INCREMENTS - JANUARY 2019

EMP NO	LAST NAME	FIRST NAME	TITLE	UNION CODE	GRADE	CURRENT STEP	NEW STEP
351	BUGENHAGEN	WILLIAM	CONTROL OPERATOR	A	6B	5+1	5+2
106	CARTONIA	JOSEPH	BILL COLLECTOR	A	6C	5+3	5+4
369	CROWLEY	ROBERT	WATER TREATMENT PLANT OPERATOR	A	6B	5+4	5+5
275	KLUSSMANN	KURT	METER SERVICE WORKER	A	4B	5+1	5+2
750	LINDNER	GREGORY	COMPUTER OPERATOR	C	08	5+3	5+4
367	MAKELKE	JOHN	WATER TREATMENT PLANT OPERATOR	A	6B	5+4	5+5
67	MERCER	JOHN	WATER UTILITY WORKER	A	3B	5+1	5+2
700	MOGAVERO	JOHN	CHEMIST & CHIEF WATER TREATMENT PLANT OPERATOR	E	28E	5+4	5+5
355	MOTZ	CARL	CONTROL OPERATOR	A	6B	5+4	5+5
749	SIDEY	ANDREW	COMPUTER OPERATOR	C	08	5+3	5+4
263	SMITH	PAUL	WATER TREATMENT PLANT OPERATOR	A	6B	5+1	5+2
657	SYLVESTER	JEFFREY	CONSTRUCTION INSPECTOR	C	19	5+2	5+3
81	WHITING	JACK	WATER UTILITY WORKER	A	3A	5+1	5+2

**ITEM 18 - AUTHORIZATION TO AMEND POLICY NO. 41.0 – VACATIONS OF THE
ERIE COUNTY WATER AUTHORITY’S EMPLOYEE POLICIES AND
PROCEDURES MANUAL**

Motion by seconded by

WHEREAS, on May 18, 1995, by Resolution Item No. 25, the Erie County Water Authority ("Authority") adopted an Employee Policies and Procedures Manual (formerly known as Human Resources Policies/ Procedures Manual); and

WHEREAS, on December 27, 2005, the Authority adopted a revised Employee Policy Policies and Procedures Manual; and

WHEREAS, Daniel J. NeMoyer, Director of Human Resources and Karen A. Prendergast, Comptroller, advise that it is in the best interest of the Authority to amend Policy No. 41.0 – Vacations, as set forth in the attachment to this resolution; and

WHEREAS, this amendment to the policy has been prepared and reviewed by Daniel J. NeMoyer, Director of Human Resources and Karen A. Prendergast, Comptroller; and

WHEREAS, Daniel J. NeMoyer, Director of Human Resources and Karen A. Prendergast, Comptroller, recommend amending Policy No. 41.0 – Vacations of the Authority's Employee Policies and Procedures Manual;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority amend Policy No. 41.0 – Vacations of the Authority's Employee Policies/Procedures Manual.

Ayes:

Noes:

12/20/18-slz

**ERIE COUNTY WATER AUTHORITY
HR Policies/Procedures**

Re: VACATIONS

Policy No. 41.0

**Application: ~~Managerial/Confidential & Non-Represented~~—
Amended: 12/3113/1809
Employees**

PURPOSE

To provide employees who are not represented by a collective bargaining unit with time off from work with pay for the purpose of rest and relaxation.

POLICY

It is the policy of the Authority to grant annual vacations with pay to employees in any full-time position. Employees who are represented by a collective bargaining unit will be entitled to annual vacations as set forth in the collective bargaining contract. This policy applies only to non-represented employees.

PROCEDURE

1. The Authority will grant annual vacation with pay to employees on a calendar year basis.
2. An employee shall earn vacation credits based upon total accrued service in any full-time position.
3. Vacation credits will accrue and be available for use on a bi-weekly basis for full time employees after the first pay period of employment.
4. Employees will be credited with 1/26th of their annual vacation credits each pay period. Vacation credits may not be used in the same pay period in which they are earned.
5. Employees shall be entitled to vacation credits as follows:

<u>Service</u>	<u>Annual Vacation Credits</u>	<u>Rate Per Pay Period</u>
From <u>After the</u> date of hire thru <u>through</u> hours -three years of service	10 days	3.08
From third year anniversary date thru <u>through</u> completion of eleven years of service	15 days	4.62 hours
After eleven years of service	16 days	4.92 hours
After twelve years of service	17 days	5.23 hours

After thirteen years of service	18 days	5.54 hours
After fourteen years of service	19 days	5.85 hours
After fifteen years of service	20 days	6.15 hours
After eighteen years of service	21 days	6.46 hours
After nineteen years of service	22 days	6.77 hours
After twenty years of service	23 days	7.08 hours
After twenty-one years of service	24 days	7.38 hours
After twenty-two years of service	25 days	7.69 hours

6. Effective as of November 1, 2018, the Authority may offer additional vacation time to newly hired employees whose salary grade is 30E or above for the purpose of attracting highly qualified applicants to these senior executive positions.
7. No more than two (2) weeks of continuous vacation shall be taken consecutively unless the Authority or its designee shall determine that the taking of such third, fourth or fifth consecutive week will not interfere with its operations.
8. When a holiday enumerated herein occurs during an employee's vacation period, the vacation period will be extended one (1) day.
9. An employee whose salary grade is less than 30E must use a minimum of two (2) weeks of eligible vacation in each calendar year.
10. Vacation credits may be accumulated up to thirty (30) days. An employee's vacation credit accumulation may exceed the maximum, provided however, that the employee's balance of vacation credits may not exceed 30 days on January 1 of any year.
11. Vacation pay shall equal the straight time hourly rate.
12. Each January, the Secretary to the Authority shall issue to each department head a Vacation Schedule listing each employee's name, amount of vacation time entitlement, and employment date to assist each department in scheduling the current year's vacations. In addition, the Secretary shall forward to each eligible employee an Employee's Notice of Vacation Choices (Form No. 41.1) to be completed by the employee to request his/her vacation time choices.
13. As far as practical, vacations shall be scheduled at the time requested by eligible employees. The first right of allotment of vacation period exceeding two (2) consecutive weeks is entirely reserved to the Authority in order to insure the operation of its property and services. Within the above limits, vacations will be granted on a departmental basis giving due consideration to the total length of service of the Authority's employees therein. This policy shall not prohibit the taking of one (1) week at a time.
14. When an employee leaves the Authority for any reason, or when he/she dies having accumulated unused vacation time, he/she or their beneficiaries shall be entitled to be compensated in money at the regular rate of pay for his/her unused vacation time.

ITEM 19 - AUTHORIZATION TO AMEND THE AUTHORITY'S CAREER AND SALARY PLAN FOR BI-WEEKLY EMPLOYEES NOT ELIGIBLE FOR MEMBERSHIP IN A COLLECTIVE BARGAINING UNIT

Motion by seconded by

WHEREAS, the Erie County Water Authority (the "Authority") has periodically adopted resolutions establishing a Career and Salary Plan which plan has been amended by resolution of the Authority from time to time; and

WHEREAS, certain employees of the Authority are represented for the purpose of collective bargaining by Brotherhood of Western New York Water Workers and CSEA Local 1000 (CSEA); and

WHEREAS, certain bi-weekly employees of the Authority not included in either of the two bargaining units within the Authority are referred to as "Managerial/ Confidential" employees; and

WHEREAS, the Authority's current Career and Salary Plan for the Managerial/ Confidential employees ranges from salary grade 5E to 36E; and

WHEREAS, the Authority deems it advisable to provide salary increase of 2% for all confidential and non-represented employees, who are not covered under separate collective bargaining agreement;

NOW, THEREFORE, BE IT RESOLVED:

That, effective January 1, 2019, the Authority's Career and Salary Plan is amended providing the above-mentioned salary increase of 2.0% for all exempt and non-represented employees who are not covered under separate collective bargaining.

Ayes:

Noes:

12/20/18 - slz

ITEM 20 - AUTHORIZATION TO AMEND THE AUTHORITY'S CAREER AND SALARY PLAN FOR BI-WEEKLY EMPLOYEES NOT ELIGIBLE FOR MEMBERSHIP IN A COLLECTIVE BARGAINING UNIT

Motion by seconded by

WHEREAS, the Erie County Water Authority (the "Authority") has periodically adopted resolutions establishing a Career and Salary Plan which plan has been amended by resolution of the Authority from time to time; and

WHEREAS, certain employees of the Authority are represented for collective bargaining purposes by Brotherhood of Western New York Water Workers and CSEA Local 1000 (CSEA); and

WHEREAS, certain bi-weekly employees of the Authority not included in either of the two bargaining units within the Authority are referred to as "Managerial/ Confidential" employees; and

WHEREAS, the Authority's current Career and Salary Plan for the Managerial/ Confidential employees ranges from salary grade 5E to 36E; and

WHEREAS, to sustain a competitive advantage in attracting and retaining highly qualified executive level staff, the Authority deems it necessary to add a salary grade 37E to the Career and Salary Plan; and

WHEREAS, due to the nature of the duties of the Executive Director it is in the best interest of the Authority to move this title to salary grade 37E;

NOW, THEREFORE, BE IT RESOLVED:

That the Grade of 37E be added to the "Managerial/ Confidential" Unit's wage scale; and be it further

RESOLVED:

That the title of Executive Director be placed in the "Managerial/ Confidential" Unit's wage scale as a salary grade 37E.

Ayes:

Noes:

12/20/18

ITEM 21 - _____ – APPOINTMENT AS EXECUTIVE DIRECTOR

Motion by _____ seconded by _____

WHEREAS, pursuant to Article V, Title 3, § 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 ____, step __; said appointment being subject to the approval of the Erie County Personnel Officer effective January 1, 2019.

Ayes:
Noes:

12/20/18-slz

**ITEM 22 - MOTION TO RESCIND ANY AND ALL PRIOR RESOLUTIONS
PURPORTING TO DELEGATE CERTAIN FINAL EMPLOYMENT
DECISIONS TO VARIOUS MANAGEMENT STAFF**

Motion by seconded by

WHEREAS, Heretofore the Board of Commissioners have, from time to time, adopted and amended resolutions purporting to delegate authority to certain management level staff to make decisions on the hiring, termination, promotion and demotion of certain classes of Authority employees; and

WHEREAS, a copy of the most recently adopted resolution is attached hereto and made a part hereof; and]

WHEREAS, within said resolutions said employment actions were to be "...subject to the general direction, approval and control of the Commissioners of the Authority..." and

WHEREAS, it has been the application of said resolutions and past practice of the variously identified management staff to make final decisions on said employment actions without the general direction, approval and control of the Board of Commissioners; and

WHEREAS, under the New York State Open Meetings Law the Board of Commissioners may only exercise its powers and duties within a public meeting; and

WHEREAS, the Board of Commissioners intend to comply with the New York Open Meetings Law and insure transparency as to all its actions, including the said employment decisions of the Erie County Water Authority;

NOW, THEREFORE, BE IT RESOLVED:

1. The Authority hereby rescinds the attached resolution together with all its predecessors, amendments and all other related resolutions and amendments dealing with said purported delegation of authority relating to said employment decisions; and
2. The Authority directs that all final decisions on the hiring, appointment, termination, promotion and demotion of all Authority employees shall be made by the Board of Commissioners at a duly called public meeting; and
3. This resolution shall take effect immediately.

Ayes:

Noes:

12/20/18-ETJ:pjf

ITEM 22 ATTACHMENT

ITEM 7 - AUTHORIZATION TO AMEND ITEM NO. 8 OF THE MARCH 9, 2017 MEETING OF THE ERIE COUNTY WATER AUTHORITY RELATIVE TO THE DELEGATION OF RESPONSIBILITIES TO THE EXECUTIVE DIRECTOR AND DEPUTY DIRECTOR OF THE ERIE COUNTY WATER AUTHORITY

Motion by %MOTION% seconded by %SECOND%

WHEREAS, Heretofore and on the 9th day of March, 2017 the Board of Commissioners amended the February 23, 2017 resolution to state that the Board of Commissioners authorize the Deputy Administrative Director and the Deputy Director, and in their respective absences the Comptroller and the Secretary to the Authority, subject to the general direction, approval, and control of the Commissioners of the Authority the authority to concurrently, hire, fire, promote and/or demote Authority personnel except those personnel directly employed by the Commissioners and that this resolution shall remain in full force and effect until further action by the Board of Commissioners; and

WHEREAS, It is in the best interest of the Authority to amend Item No. 8 of the Minutes of the Meeting of the Authority held on March 9, 2017 and have said resolution state that the Board of Commissioners authorize the Secretary to the Authority and the Deputy Director, and in their respective absences the Comptroller and the Executive Director, subject to the general direction, approval, and control of the Commissioners of the Authority the authority to concurrently, hire, fire, promote and/or demote Authority personnel except those personnel directly employed by the Commissioners and that this resolution shall remain in full force and effect until further action by the Board of Commissioners;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority amend Item No. 8 of the Minutes of the Meeting of the Authority held on March 9, 2017 to read as follows “That the Board of Commissioners authorize the Secretary to the Authority and the Deputy Director, and in their respective absences the Comptroller and the Executive Director, subject to the general direction, approval, and control of the Commissioners of the Authority the authority to concurrently, hire, fire, promote and/or demote Authority personnel except those personnel directly employed by the Commissioners and that this resolution shall remain in full force and effect until further action by the Board of Commissioners.”

Ayes: %AYES%

Noes: %NOES%

05/03/18-pjf