

ERIE COUNTY WATER AUTHORITY
AUTHORIZATION FORM
For Approval/Execution of Documents
(check which apply)

Contract: BCD-14-08 **Project No.:** 201400202
Project Description: Agreement Accepting the Mains, Hydrants, and Appurtenance for Northwoods Subdivision, Phase 1

Item Description:

- | | | | |
|---------------------------------------------------------------|--------------------------------------------------------|---------------------------------------------|---------------------------------------|
| <input checked="" type="checkbox"/> Agreement | <input type="checkbox"/> Professional Service Contract | <input type="checkbox"/> Amendment | <input type="checkbox"/> Change Order |
| <input type="checkbox"/> BCD | <input type="checkbox"/> NYSDOT Agreement | <input type="checkbox"/> Contract Documents | <input type="checkbox"/> Addendum |
| <input type="checkbox"/> Recommendation for Award of Contract | <input type="checkbox"/> Recommendation to Reject Bids | | |
| <input type="checkbox"/> Request for Proposals | | | |
| <input type="checkbox"/> Other _____ | | | |

Action Requested:

- | | |
|-------------------------------------------------------------------------------|----------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Board Authorization to Execute | <input type="checkbox"/> Legal Approval |
| <input type="checkbox"/> Board Authorization to Award | <input type="checkbox"/> Execution by the Chairman |
| <input type="checkbox"/> Board Authorization to Advertise for Bids | <input type="checkbox"/> Execution by the Secretary to the Authority |
| <input type="checkbox"/> Board Authorization to Solicit Request for Proposals | |
| <input type="checkbox"/> Other _____ | |

Approvals Needed:

APPROVED AS TO CONTENT:

- | | | |
|-------------------------------------------------------------|---------------------------|-----------------------|
| <input checked="" type="checkbox"/> Chief Operating Officer | <u>Russell Stolt</u> | Date: <u>10/24/19</u> |
| <input checked="" type="checkbox"/> Executive Engineer | <u>Russell Stolt E.E.</u> | Date: _____ |
| <input checked="" type="checkbox"/> Chief Financial Officer | <u>Karen C. Burgess</u> | Date: _____ |
| <input checked="" type="checkbox"/> General Counsel | <u>Margaret A. Murphy</u> | Date: <u>10/24/19</u> |

APPROVED AS TO FORM:

- | | | |
|-------------------------------------------|---------------------------|-----------------------|
| <input checked="" type="checkbox"/> Legal | <u>Margaret A. Murphy</u> | Date: <u>10/24/19</u> |
|-------------------------------------------|---------------------------|-----------------------|

APPROVED FOR BOARD RESOLUTION:

- | | | |
|----------------------------------------------------------------|--------------------|-----------------------|
| <input checked="" type="checkbox"/> Secretary to the Authority | <u>[Signature]</u> | Date: <u>10/24/19</u> |
|----------------------------------------------------------------|--------------------|-----------------------|

Remarks: _____

Resolution Date: _____

Item No: _____

**ERIE COUNTY WATER AUTHORITY ACCEPTANCE
OF MAINS, HYDRANTS AND APPURTENANCES FOR
NORTHWOODS SUBDIVISION, PHASE I**

The **ERIE COUNTY WATER AUTHORITY**, a public benefit corporation created and existing under the laws of the State of New York, with its principal office at 295 Main Street, Room 350, Buffalo, New York, 14203, hereinafter called the “Authority”, and **CIMATO BROTHERS CONSTRUCTION, INC.**, 9220 Transit Road, East Amherst, New York 14051, hereinafter called the “Cimato.” agree as follows:

1. This Agreement is made pursuant to Subdivision 10, Section 1054 of the Public Authorities Law and Title 10.00, “Extensions of Mains” of the Authority’s Tariff.
2. On June 15, 2016, the Authority’s Engineering Department approved plans and specifications submitted by Cimato for the installation of water mains, hydrants and appurtenances for the subdivision known as Northwoods Subdivision, Phase I in the Town of Clarence, State of New York (hereinafter the “Subdivision”).
3. The Cimato affirms the Subdivision plans have been reviewed and approved by the Town of Clarence and the Erie County Department of Health.
4. The Cimato has installed water mains, hydrants and appurtenances, pursuant to the plans and specification approved by the Authority, as described as follows:

Approximately 240± linear feet of 10-inch DIP and 4180± linear feet of 10-inch PVC water main in Northwoods Subdivision Phase 1, Town of Clarence.

Ten (10) hydrants and eleven (11) line valves in Northwoods Subdivision Phase 1, Town of Clarence.

Marguerites Way

Beginning on Roll Road opposite Dana Marie Parkway at Station 32+29 through three curves to end near Station 6+35.

Roberts Grove

Beginning on Marguerites Way at approximate Station 11+10 thence westerly on Roberts Grove through a curve at ending in a cul-de-sac.

Youngs

Beginning on Marguerites Way at approximate Station 7+80 thence westerly on Youngs approximately 227 linear feet to end at a dead-end.

Briannas Nook

Beginning on Marguerites Way at approximate Station 11+10 thence southeasterly on Briannas Nook through two curves approximately 755 linear feet to end at a dead-end.

As shown and noted on the Passero Associates drawings of Northwood Subdivision Phase 1 dated June 15, 2016.

5. Cimato has submitted two (2) prints of subdivision drawings showing the proposed water main installation, hydrants, and appurtenances to the Authority's Plan Review Section for review. One (1) print has been returned to Cimato and marked as approved by the Authority.
6. Cimato collected water samples on November 14, 2016 and November 15, 2016 for bacterial testing and have submitted those samples to McAndrews Testing Laboratories ("McAndrew"). McAndrews submitted its results to the Erie County Department of Health. Based on these test results, the Erie County Health Department approved the test results and issued a Certificate of Acceptance to the Authority.
7. Authority personnel directed the operation of valves on existing water mains during the required leakage and pressure tests and the disinfection of the water mains and appurtenances. Upon completion of these tests, the mains were shut off and not placed into service until the Erie County Health Department issued a Certificate of Acceptance. All other legal and administrative requirements have been satisfied, and the work has been accepted by the Authority's Engineering Department.
8. Cimato has provided the Authority with the following:
 - a. A statement, signed and sealed by the Cimato's engineer, that all work involved in the installation of water mains and appurtenances was completed in accordance with drawings approved by the Authority and in accordance with the Authority's specifications, that all valves, hydrants and appurtenances are in satisfactory operating condition and that the Cimato's engineer provided full time resident inspection of the work.
 - d. On December 15, 2016, one (1) reproducible and electronic record drawing, to a scale determined by the Authority, showing the constructed location of all mains with at least three readily identifiable ties to all fittings, valves and services. The record drawing shall be marked "As-Built" and bear the seal and license number of the Cimato's engineer. Cimato's engineer shall certify by seal and signature that he has measured

or has supervised the measurement of all dimensions shown on the "As-Built" drawing.

- e. A cost estimate and bill of sale to the Authority for the water mains and appurtenances installed. A completed "Schedule of Inventory" shall be attached to bill of sale on the form provided by the Authority.
- 9. Water service connections have been installed by the Authority.
- 10. No hydrant has been or will be used for any purpose other than the extinguishing of fires, periodic tests of the fire protection system, or periodic drills by legally constituted fire companies, unless written authorization is given by the Authority.
- 11. Given the completion of all the work, labor and service, as well as installation of all materials, and the conditions set forth in the Tariff having been complied with to the satisfaction of the Authority by Cimato, the Authority agrees to accept said water mains, hydrants, services, and other appurtenances.
- 12. Title to all water mains, hydrants, services, and appurtenances shall vest in the Authority and the Authority shall provide service to Cimato in the same manner as if the mains were originally installed by the Authority.
- 13. The Authority reserves the right at any time, without notice to shut off the water in its mains to make repairs, extensions or for other purposes, and it is expressly agreed that the Authority shall not be liable for deficiency or failure in the supply of water, water pressure or for any damage caused thereby or by the bursting or breaking of any main or service pipe or any attachment to the Authority's property, other than through the gross negligence of the Authority. In the interest of public health, the Authority will not permit its mains or services to be connected with any service pipe or piping which is connected with any other source of water supply not approved by the Department of Health of the State of New York.
- 14. It is mutually understood and agreed:
 - a. The mains laid and acknowledged by this Agreement shall be and remain the property of the Authority, its successors and assigns, and the Authority retains and shall have the right to extend any mains installed by it pursuant to the terms of the Agreement in or to other lands, streets or avenues, but Cimato shall not by reason thereof be entitled to any repayment.
 - b. Any authorized representative of the Authority shall have free access to the premises of the Cimato at any reasonable time for the purpose of reading the meter or inspecting said construction.
 - c. Only a town, village or legally constituted water district is permitted to

resell water supplied by the Authority except as provided in Section 11.05 of the Authority's Tariff.

- d. Water Service may be disconnected for the reasons enumerated in Section 2.32 of the Authority's Tariff.
- e. This extension shall be made in accordance with provisions of the Authority's Tariff.

IN WITNESS WHEREOF, the parties hereto have duly caused their seals to be hereunto affixed and these presents to be signed by their duly authorized officers with the effective date of this Agreement to be the **31st** day of **October 2019**, the date of the Authority's resolution authorizing its execution.

CIMATO BROTHERS CONSTRUCTION, INC.

FERDINANDO A. CIMATO, President

ERIE COUNTY WATER AUTHORITY

JEROME D. SCHAD, Chair

[illegible]

On this _____ day of _____, 2019, before me personally came _____, to me known, who being by me duly sworn, did depose and say that he/she resides at _____; that he/she is President of CIMATO BROTHERS CONSTRUCTION, INC., the corporation described in, and which executed, the foregoing instrument; that he/she knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation and that he/she signed his/her name thereto by like order.

Notary Public - State of New York

[illegible]

On this _____ day of _____, 2019, before me personally came JEROME D. SCHAD, to me known, who being by me duly sworn did depose and say that he resides in Amherst, New York, that he is the Chairman of the ERIE COUNTY WATER AUTHORITY, the corporation named in the foregoing indenture; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by a duly adopted resolution of the said Authority and that he signed his name thereto by like resolution.

Notary Public - State of New York