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

. ...

Contract:         17-02-01         Project No.:         201700001           Project         Small Service Contract Area #1         202/01/2017 to 01/31/2019         201700001	······
Item Description:	1
Action Requested:	
Board Authorization to Execute Image: Legal Approval   Board Authorization to Award Execution by the Chairman   Board Authorization to Advertise for Bids Execution by the Secretary to the Authority   Board Authorization to Solicit Request for Proposals   Image: Other Board Authorization to Solicit Request for Proposals	
APPROVED AS TO CONTENT:	
X Department Head finally Naualilu Date: 7-1	-19
X Risk Manager Date: 07/16	12019
Director of Administration Date:	
X Executive Engineer furselle that Date: 7/9	9/19
APPROVED AS TO FORM: X Legal <u>Margaret &amp; Merghy</u> Date: <u>1/1</u>	7/19
APPROVED FOR BOARD RESOLUTION: X Secretary to the Authority Date: 7/2	26/19
Remarks:	
Resolution Item No:	



# **ERIE COUNTY WATER AUTHORITY INTEROFFICE MEMORANDUM**

July 10, 2019

To: Terrence McCracken, Secretary to the Authority

Jeffrey R. Sylvester, Distribution Engineer From:



Subject: Small Services Contract Area #1 February 1, 2017 to January 31, 2019 ECWA Project No. 201700001 Pay Application No. 25 & Final

Attached is the Final Payment Application for the above referenced project.

The following documents are attached:

- Blue Authorization Form this form provides the project name and project number, the • action that is being requested of the Board, and it provides a list of approvals that are required prior to being acted on by the Board.
- ECWA Final Payment Application Checklist and Packet the check list is used to make ۰ sure that the contractor has provided all of the proper documentation to close out the contract.

JRS:med Attachments cc: ECWA-799-1701-I-186

P:\ECWA\P201700001\Memo04 Final Pmt.docx

# Erie County Water Authority Final Payment Application

**CHECK LIST:** Items to Accompany Final Payment Application

1. Blue Authorization Form

1

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- 2. Statement by Consultant, if applicable, certifying that all work was performed in general conformance to plans and specifications and recommend that Final Payment be made. If no Consultant, ECWA Engineering should recommend the Final Payment be made.
- Final Payment Application. The Amount Certified for Final Payment must be written on the Blue Authorization Form.

# **Insurance & Bond Requirements**

- 4. Evidence that Insurance is in effect for two years. This is usually evident on the Certificates of Insurance that are issued.
  - 5. Certification that Performance Bond is in effect for two years and Payment Bond is in effect for one year.

# **Release & AIA Forms**

- 6. Form 507 Release by Corporation
- 7. AIA G706, Contractor's Affidavit of Payment of Debts and Claims (10.96 1230311150)
- 8. AIA G706A, Contractor's Affidavit of Release of Liens
- 9. AIA G707, Consent of Surety to Final Payment

# **EEO Requirements**

- 10. M/WBE Utilization Report Part D
- 11. Final Certified Payrolls (Lawonce Line Electronic Free)

# **DISTRIBUTION:**

To Accounts Payable

- After the Final Payment Application has been approved by the ECWA Board of Commissioners, a PDF copy can be emailed to accountspayable@ECWA.org
- To ECWA Engineering
  - A hard copy of the entire Final Payment Application should be placed in the files.
  - A PDF copy of the Final Payment Application should be saved to the appropriate project folder on the network.

EEO:

- M/WBE Part D
- Certified Payrolls

JOB DESCRIPTION INSTALLATION OF NEW OR REPLACEMENT OF CUSTOMER SERVICES 3/4" TO 2" DIAMETER WITHIN THE ERIE COUNTY WATER AUTHORITY SERVICE AREA #1 FOR THE PERIOD 2/01/17 THROUGH 1/31/19

Project # 201700001

Vendor # V7286

#### ESTIMATE NO: #25 and Final CONTRACT NO. 17-02-01 PERIOD COVERED 2/16/19 TO 5/14/19

CONTRACTOR:

Russo Dev. Inc. 3710 Milestrip Rd Buffalo, NY 14219

			<u> </u>						
BID					COMPLE			PLETED	AMOUNT
ITEM	ITEM			CONTRACT	TO DA			ESTIMATE	THIS
#	SPEC			BREAKDOWN	PERCENT	AMOUNT	PERCENT	AMOUNT	ESTIMATE
1A1	110	Ea @	\$1,430.00	\$157,300.00	73.64%	\$115,830,00	73.64%	\$115,830.00	\$0.00
1A2	25	Ea@	\$500.00	\$12,500.00	60.00%	\$7,500.00	60.00%	\$7,500.00	\$0.00
1B1	5	Ea @	\$500.00	\$2,500.00	20.00%	\$500.00	20,00%	\$500.00	\$0,00
182	5	Ea @	\$550.00	\$2,750.00	0.00%	\$0.00	0.00%	\$0.00	\$0,00
101	450	Ea @	\$1,815.00	\$816,750.00	80.89%	\$660,660.00	80.89%	\$660,660.00	\$0.00
1C2	10	Ea @	\$500.00	\$5,000.00	90.00%	\$4,500.00		\$4,500.00	\$0.00
1D1	100	Ea @	\$1,650.00	\$165,000.00	84.00%	\$138,600.00	84.00%	\$138,600.00	\$0,00
1D2	5	Ea @	\$500.00	\$2,500.00	60,00%	\$1,500.00	60.00%	\$1,500.00	\$0.00
1D3	20	Ea @	\$1,430.00	\$28,600.00	90,00%	\$25,740.00	90.00%	\$25,740.00	\$0,00
1D4	5	Ea @	\$550.00	\$2,750.00	0.00%	\$0.00	0.00%	\$0.00	\$0.00
2A1	13,000	LF @	\$15.00	\$195,000.00	73,22%	\$142,785.00	73.22%	\$142,785.00	\$0.00
2A2	500	LF @	\$10.00	\$5,000.00	21.80%	\$1,090.00	21.80%	\$1,090.00	\$0,00
2A3	400	LF @	\$10.00	\$4,000.00	74.00%	\$2,960.00	74.00%	\$2,960.00	\$0,00
2A4	400	LF @	\$10.00	\$4,000.00	65,50%	\$2,620.00	65,50%	\$2,620,00	\$0.00
4A1	150	CY @	\$50,00	\$7,500.00	76.67%	\$5,750.00	76.67%	\$5,750.00	\$0.00
4B1	300	LF @	\$34.00	\$10,200.00	6,67%	\$680,00	6.67%	\$680,00	\$0.00
4B2	750	LF @	\$10.00	\$7,500.00	44,13%	\$3,310.00	44.13%	\$3,310.00	\$0.00
483	750	LF@	\$10.00	\$7,500,00	12,00%	\$900.00	12.00%	\$900.00	\$0,00
5A1	50 .	CY@	\$10,00	\$500,00	0.00%	\$0.00	0.00%	\$0.00	\$0,00
7A1	1500	HR @	\$300.00	\$450,000.00	82,33%	\$370,500.00	82.33%	\$370,500.00	\$0.00
7A2	650	HR @	\$75.00	\$48,750.00	102,19%	\$49,818.75	102.19%	\$49,818.75	\$0.00
8	1	LS	\$20,000,00	\$20,000.00	-2.25%	\$ (450.00)	-2.25%	\$ (450.00)	\$0.00
		LS		\$0,00		\$0.00	1	\$0.00	\$0.00
· · · ·		LS							\$0.00
Liquic	ialed Damage	s				\$ (24,100.00)		\$ (24,100.00)	\$0.00
			ľ			·····			\$0.00
			Total	\$1,955,600.00	77.25%	\$1,510,693.75		\$1,510,693.75	\$0.00
				and the second		5'	% Retention	\$75,534.69	
						Returne	d Retention	\$0.00	
						Revised Reten		\$75,534.74	
						Amount Due ti		, ,	\$75,534.74

I hereby certify that according to the above mentioned contract, this is a just estimate of the work done and the materials furnished under the contract between 2/16/19 and 5/14/19 both inclusive and the value thereof, being \$75,534.74 as required by agreement Article 6.03 of the said contract.

PREPARED BY:

12/19 > 14 BY: CONTRACTOR SR DISTRIBUTION ENGINEE EXECUTIVE ENGIN

ACCOUNTING DEPARTMENT

DATE

ADMINISTRATIVE DIRECTOR

DATE

This final payment releases the Owner and every representative and agent thereof, from all claims and liability to the Contractor for anything done or furnished for, or relating to the work, or for any act, failure to act on, or neglect of the Owner or any person relating to or affecting the work.

Contract	tor: D DECELOPMENT MC	s.** ** <b>y</b>	
		· .	
By:		: Juli	· · ·
	(Seal)		;i



#### WORLD WIDE BONDING AGENCY 2846 WILLIAM STREET BUFFALO NEW YORK 14227 PH 858-681-7685 ~ FAX 716-681-7683 www.wwbagency.com

Mr. Joseph Russo, President Russo Development, Inc 3710 Milestrip Road Blasdell, New York 14219

Re: Small Services Contract, Area #1 February 1, 2017 through January 31, 2019 ECWA Project No. 201700001 BOND # EAIC177000013

Dear Mr. Russo:

Please be advised that all work on the above referenced project has been completed in general conformance with the requirements of the Contract Documents. The final contract value is \$1,510,693.75 of which \$1,435,159.01 in payments have been previously made to you. The balance due is \$75,534.74, which is return of retention monies previously withheld and for work not previously paid.

 Evidence the surety bond remains in effect throughout the warranty period. This shall be on the surety's or surety agent's letterhead. This is in accordance with Article 5.01 of the General Conditions, modified by 5.01A of the Supplementary Conditions, which states the payment bond shall remain in effect for one year and the performance bond shall remain in effect for two years after final payment becomes due. The bond shall be in the amount of \$1,510,693,75.

The surety or surety agent shall include the following statement in their letter:

Be advised that, in accordance with Article 5.01 of the General Conditions, modified by 5.01A of the Supplementary Conditions, the performance bond for the above captioned project will remain in full force and effect for two (2) years after final acceptance and the payment bond will remain in effect for one (1) year after the date of final acceptance.

Sincerely,

Gary A Éardinale, Attorney-In-Fact – Endurance American Insurance Company SIGNED 6-7-2019

The content above has been reviewed by:



Gary A Cardinale, President World Wide Bonding Agency Work Phone: Toll Free (888)-681-7685 Cell Phone: (716)-583-3968 gary@wwbagency.com



Independent insurance Ager

NUTARIAL JURAT

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INDIVIDUAL ACKNOWLEDGEMENT	
State of] County of] ss: On thisday of, before me personally appeared	
known to me to be the person described in and who executed the foregoing instru- ment, andhe duly acknowledged to me thathe executed the same.	
Notary Public	
PARTNERSHIP ACKNOWLEDCEMENT	
State of] ss:	
on this day of, ', before me personally appeared	
known to me to be a member of the firm of	
Notary Public	2
CORPORATION ACKNOWLEDGEMENT	
State of New York County of Crie on this 12th day of Scine, 201, before me personally appeared	KARLIS of New Yorl County A4855047 March 24, 1
to me known, who being by me duly sworn, did depose and say: that he resides at <u>of eph</u> ; that <u>the</u> is <u>resides</u> of the corporation described in and which executed the foregoing instrument; that <u>the</u> knows the seal of said corporation; that the seal affixed to said instrument is such corporate scal; that it was so affixed by order of the Board of Directors of said corporation; and that <u>the</u> signed he name thereto by like order. <u>Notary Fublic</u>	JACQUELINE E. JACQUELINE E. Notary Public, State Qualified in Erie Registration #01K Registration #01K
SURETY ACKNOWLEDGEMENT	
State of <u>NEW YORK</u> ] County of <u>ERIE</u> ] ss: On this <u>7th</u> day of <u>JUNE</u> , <u>2019</u> , before me personally appeared GARY A. CARDINALE	
to me known, who being by me duly sworn. did depose and say: that _he resides in the City of	
corporation described in and which executed the within instrument; that <u>he</u> knows the corporate 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 corpor- ation; and that <u>he</u> signed h <u>is</u> name thereto by like order.	
COLLEEN A KENDZIORA NOTAHY PUBLIC STATE OF NEW YORK EPIE COUNTY	· · ·
6405X COMM. EXP. 03/23/20 2	

#### ENDURANCE AMERICAN INSURANCE COMPANY Balance Sheet - Statutory - Basis December 31, 2018

Assets:		
Bonds	<u>%</u>	699,019,994
Common stocks		171,448,831
Cash, cash equivalents and short-term investments		166,556,633
Other invested assets		8,666,856
Total cash and invested assets		1,945,692,314
Agents' balances or uncollected premiums		717,294,317
Reinsurance recoverable on loss and loss adjustment expense payments		341,142,156
Investment income due and accrued		3,631,446
Current federal income tax recoverable		2,738,013
Receivables from parent, subsidiaries and affiliates		42,284,287
Total admitted assets	\$	2,152,782,533
Liebilitics:		
Loss and loss adjustment expenses	\$	418,074,811
Reinsurance payable on paid loss and loss adjustment expenses		263,328,090
Contingent commissions		(1,495,071)
Other expenses		525,700
Taxes, licenses and fees		2,395,197
Unearned premiums		210,103,576
Ceded reinsurance premiums payable		543,669,261
Funds held by company under reinsurance treaties		63,152,601
Amounts withheld or retained by company for account of others		8,041,390
Remittances and items not allocated		2,308,219
Provision for reinsurance		54,816,634
Payable to parent, subsidiaries and affiliates		26,491,158
Payable for securities		2,972,012
Other liabilities		11,499,183
Total liabilities		1,605,882,761
Capital and surplus:		·
Common capital stock		6,000,000
Gross paid in and contributed surplus		881,153,297
Unassigned funds (surplus)		(340,253,525)
Total capital and surplus		546,899,772
Total liabilities and capital and surplus	\$	2,152,782,533

I, Stan Osofsky, Treasurer of Endurance American Insurance Company (the "Company") do hereby certify that to the best of my knowledge and belief, the foregoing is a full and true Statutory Statement of Admitted Assets, Liabilities, Capital and Surplus of the Company as of December 31, 2018 prepared in conformity with accounting practices prescribed or permitted by the State of Delaware Department of Insurance The foregoing statement should not be taken as a complete statement of financial condition of the Company. Such a statement is available upon request at the Company's office located at 4 Manhattanville Road, Purchase, NY 10577.

IN WITNESS WHEREOF, I have hercunto set my hand and affixed the seal of the Company at Purchase, New York.

$\sim$ (	MY COMMISSION EXPIRES 12-07-2019
	<b>DUALIFIED IN NEW YORK COUNTY</b>
- to	11666693810 ON
Elen Cantonal	
Stan Osofsky	MICHOLAS JAMES BENEVATI
Subscribed and sworn to before me this	19th day of March 2019 No

#### ENDURANCE AMERICAN INSURANCE COMPANY

#### POWER OF ATTORNEY

Know all Men by these Present , that ENDURANCE AMERICAN INSURANCE COMPANY, a Delenare corporation (the "Corporation), with offices at 1221 Avenue of the

Americas, 18th Floor, New York, NY 10020, has made, constituted and appointed and by these presents does make, constitute and appoint GARY A. CARDINALE its true and lawful Alomey(s)-in-fact, at CheektoWaga in the State of NY and each of them to have full power to act without the other or others to make, execute, seal and deliver for and on its behalf bonds, undertakings or obligations in surety or co-surety with others, elso to execute and deliver on its behalt renewals extensions, agreements, waivers, consents or stipulations relating to such alcressist bunds, undertakings or obligations provided, however, that no single bond or undertaking so made executed and delivered shall obligate the Corporation for any portion of the penal sum therapt in excess of the sum of TEN MILLION Dollars (\$10,000,000).

Such bonds bind undertexings fail seid numbers when duly executed by said altomey(s)-in-fact, shell be binding upon the Corporation as fully and to the same extent as if signed by the Presided of the Corporation Under Receiptorate seal attested by its Corporate Secretary

This appoint shifts made under and by authority of certain resolutions adopted by the Board of Directors of the Corporation by unanimous written consent on the 1st day of July, 2011, a copy of Which appears below under the heading entitled "Certificate".

This Power of Attoxing its shared and sealed by facsimile under and by authority of the following resolution adopted by the Board of Directors of the Corporationary unanimous written consent on the 21st day of July, 2011 and said resolution has not since been revoked amended or repeated.

RESOLVED, that in granting provers of alkyper pursuant to cartain resolutions udopted by the Board of Directors of the Corporation by unanimous written consent on the 21st day of July, 2011 the stinature of such directors and officials and the seal of the Corporation may be affixed to any such power of attorney or any certificate relating thereto by facstmiteand any such power of attorney or any certificate hearing such facstmite signature or seal shall be valid and binding upon the Corporation in the future with respect to any bond or undertaking to which it is attached

IN WITNESS WHEREOF, the Optionation has caused these presents to be duly signed and its corporate seal to be hereunto affixed and attested this in day of May, 2018 at New York. New York

(Corporate Seal)

ATTEST Pantal MY Cloper (

RICHARD M. APPEL, SENIOR VICE PRESIDENT

SS: MANHATTAN

STATE OF NEW YORK COUNTY OF NEW YORK

ENDURANCE AMERICAN INSURANCE COMPANY By By Erge BRIAN BEGGS, EXECUTIVE VICE PRESIDENT

On the 4th day of May, 2018 before me personally came BRWN BEGGS to me known, who being by me duly sworn, dkl depose and say that (s)he resides in NEW YORK, NEW YORK. that (s)he is a EXECUTIVE VICE PRESIDENT of ENDURANCE AMERICAN INSURANCE COMPANY, the Corporation described in and which executed the above instrument that (s)he 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

knows the seal of said Corporation that the seal a (s)he signed his (hip) name thereto by ike order. (Notatial Sea)

Nicholas James Benenati, Notary Public - My Commission Expires 12/07/2019 CERTIFICATE

1. That the original power of atomey of which the foregoing is a copy was duly executed on behalf of the Corporation and has not since been revokedamended or modified; that the has compared the foregoing copy thereof with the original power of altomey and that the same is a true and correct copy of the original power of attorney and of the whote undersioned litereof

2. The following are resolutions which were adopted by the Board of Directors of the Corporation by unanimous written consent on21st day of July, 2011 and said resolutions have not since been revoked, amended or modified:

'RESOLVED, that each of the individuals named below is authorized to make execute, seal and deliver for and on behalf of the Corporation any and all bonds undertakings or obligations in surely or co-surely with others and to execute and deliver for and on behalf of the Corporation renewals extensions, agreements, waivers, consents or stipulations relating to such aforesaid bonds, undertakings or obligations.

#### And be it further

#### RICHARD M. APPEL, BRIAN BEGGS

RESOLVED, that geob of the individuals nemed above is authorized to appoint altorneysin-fact for the purpose of making, executing, sealing and delivering bonds, undertakings or obligations in surely or co-surely for and on behalf of the Corporation"

3. The tinder square further, sentifies that the above resolutions are true and correct copies of the resolutions as so recorded and of the whole thereof IN WITNESS WHEREOF, I have independent of my hand and allized the corporate seal this 7th day of JUNE 2019

(Corporate Seal)

untaka Spanno

CHRISTOPHER SPARRO, PRESIDENT

Any reproductions are vold. Primary Suraty Cisians Subirission: suretybondcisians@sompa-intl.com Surely Claims Holline: 877-676-7575 Haing Address: Surely Claims Department, Sompo International, 1221 Avenue of the Americas, 18th Floor, Navy York, NY 10320

# To all to Whom these Presents Shall Come, or may concern

Greeting: Know Ye, That

3710 Milestrip Road

Blasdell, NY 14219

Russo Development, Inc

NAME AND ADDRESS OF CORPORATION

For and in consideration of the sum ofOne Million Five Hundred Ten ThousandSix Hundred Ninety Three and 75/100dollars (\$ 1,510,693.75

lawful money of the United States of America to its duly authorized officer in hand paid by the

## Erie County Water Authority,

the receipt whereof is hereby acknowledged, has remised, released, and forever discharged, and by these presents does for itself, its successors and assigns, remise, release and forever discharge the said Erie County Water Authority,

heirs, executors, administrators, successors and assigns, of and from all, and all manner of action and actions cause and causes of action, suits, debts, dues, sums of money, accounts, reckoning, bonds, bills, specialties, covenants, contracts, controversies, agreements, promises, variances, trespasses, damages, judgments, extents, executions, claims and demands whatsoever, in law or in equity, which against the said:

Russo Development, Inc.

ever had, now has or which it or its successors or assigns, hereafter can, shall or may have for, upon or by reason of any matter, cause or thing whatsoever from the beginning of the world to the day of the date of these presents. «в. <mark>к</mark>

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In Presence of	<i>in witness Whereof</i> , the Russo Development, Inc. has caused its			
	corporate seal to be hereunto affixed, and			
	these presents to be signed by its duly authorized officer this $12^{+1}$ day of $300$ NE			
an the car	Two Thousand and			
	By			
State of Man Mark	·			
State of New York )				
County of Erie ss.				
Of)	JUNE Two Thousand			
On this $(A + A)$ day of $(A + A)$	, Two Industria			
and, before me personal	lly came <u>Joseph L. Kusec P</u> to			
me personally known who, being by me du	ly sworn did depose and say that he/she resides in			
HAMBURG, N	that he/she is			
the Presidentos Russo Development Tacithe corporation				
described in and which executed the	above Instrument, that he/she knows the seal of said			
corporation; that it was so affixed to said	Instrument is such corporate seal; that it was so affixed by			
order of the Board of Directors of said co	prporation, and he/she signed his/her name thereto by like			
order.				
JACQUELINE E. KARLIS Notary Public, State of New York Qualified In Erie County Registration #01KA4855047 2 My Commission Expires March 24, 20 🖄	2 Aqueline & Karlin			

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Document G706

TO OWNER: (Name and address)	ARCHITECT'S PROJECT NUMBER:	OWNER:
Erie County Water Authority 3030 Union Rd. Buffalo, NY 14227	201700001	
	CONTRACT FOR:	
PROJECT: (Name and address)	Small Services Contract, Area #1 Feb 1, 2017 to Jan 31, 2019	CONTRACTOR:
Erie County Water Authority 3030 Union Rd.	ECWA PRN # 201700001	SURETY:
Buffalo, NY 14227 CONTRACT DATED:		
	February 1, 2017	

STATE OF:	NY
COUNTY OF:	Frie

The undersigned hereby certifies that, except as listed below, payment has been made in full and all obligations have otherwise been satisfied for all materials and equipment furnished, for all work, labor, and services performed, and for all known indebtedness and claims against the Contractor for damages arising in any manner in connection with the performance of the Contract referenced above for which the Owner's property might in any way be held responsible or encumbered.

### **EXCEPTIONS:**

None

## SUPPORTING DOCUMENTS ATTACHED HERETO:

1. Consent of Surety to Final Payment. Whenever Surety is involved, Consent of Surety is required.

Indicate Attachment: X yes Ino

The following supporting documents should be attached hereto if required by the Owner:

1. Contractor's Release or Waiver of Liens, conditional upon receipt of final payment.

2. Separate Releases or Waivers of Liens from Subcontractors and equipment suppliers, to the extent required by the Owner, accompanied by a list thereof.

3. Contractor's Affidavit of Release of Liens.

JACQUELINE E. KARLIS Notary Public, State of New York Qualified in Erie County Registration #01KA4855047 My Commission Expires March 24, 2022 CONTRACTOR: (Name and address)

Russo Development Inc. Mllestrip Rd. Blasdell, NY 14219 BY:

(Signature of authorized representative)

3710

Joseph L. Russo II (Printed name and title)

Joseph L. Russo II, personally appeared before me, the undersigned notary public, and provided satisfactory evidence of identification to be the person who signed this document in my presence and swore or affirmed to me that the contents of this document are truthful and accurate to the best of his/her knowledge and belief.

Date: $6(26/19)$
Notary Public: Cargueline 6 Tarly
My Commission expires. $3/24/22$

CAUTION: You should sign an Original Document, on which this text appears in RED. An Original Document assures that changes will not be obscured.

## Document G706A

## Contractor's Affidavit of Release of Liens

ARCHITECT'S PROJECT NUMBER:	OWNER:
201700001	
CONTRACT FOR:	
: (Name and address) Small Services Contract, Area #1 Feb 1, 2017 to Jan 31, 2019	
ECWA PRN # 201700001	SURETY:
CONTRACT DATED:	
February 1, 2017	OTHER:
	201700001 CONTRACT FOR: Small Services Contract, Area #1 Feb 1, 2017 to Jan 31, 2019 ECWA PRN # 201700001 CONTRACT DATED:

STATE OF: NY COUNTY OF: Erie

The undersigned hereby certifies that to the best of the undersigned's knowledge, information and belief, except as listed below, the Releases or Waivers of Lien attached hereto include the Contractor, all Subcontractors, all suppliers of materials and equipment, and all performers of Work, labor or services who have or may have liens or encumbrances or the right to assert liens or encumbrances against any property of the Owner arising in any manner out of the performance of the Contract references above.

### EXCEPTIONS:

None

## SUPPORTING DOCUMENTS ATTACHED HERETO:

1. Contractor's Release or Waiver of Liens, conditional upon receipt of final payment.

2. Separate Releases or Waivers of Liens from Subcontractors and equipment suppliers, to the extent required by the Owner, accompanied by a list thereof.

CONTRACTOR: (Name and address)

Russo Development Inc. 3710 Mllestrip Rd, Blasdell, NY 14219 BY:

(Signature of authorized representative)

Joseph L. Russo II (Printed name and title)

Joseph L. Russo II, personally appeared before me, the undersigned notary public, and provided satisfactory evidence of identification to be the person who signed this document in my presence and swore or affirmed to me that the contents of this document are truthful and accurate to the best of his/her knowledge and belief.

JACQUELINE E. KARLIS Notary Public, State of New York Qualified In Erie County Registration #01KA4855047 My Commission Expires March 24, 20-

6/26/14 Date: faguel Notary Public: < My Commission expires

CAUTION: You should sign an Original Document, on which this text appears in RED. An Original Document assures that changes will not be obscured.

# IA Document G707" - 1994

# Consent of Surefy to Final Payment

Bond No. EAIC177000013

consent of Surety to Fina	il Payment	Bond No. EAIC 1770000
PROJECT: (Name and address) SMALL SERVICES CONTRACT, AREA #1	ARCHITECT'S PROJECT N	UMBER: OWNER []
FEBRUARY 1, 2017 THROUGH JANUARY 31, 2019 ECWA PROJECT NO 201700001	CONTRACT FOR: RUSSO DEVELOPMENT	, INC. ARCHITECT
	3710 MILESTRIP ROAD BLASDELL, NEW YORK	14219 CONTRACTOR
TO OWNER: (Name and address) ERIE COUNTY WATER AUTHORITY	CONTRACT DATED: 2-1-2019	SURETY (X
295 MAIN STREET ROOM 350 BUFFALO, NEW YORK 14203		other 🗆
In accordance with the provisions of the (Insert name und address of Surety) ENDURANCE AMERICAN INSURANCE CO 240 CEDAR KNOLLS ROAD, SUITE 404 CED	MPANY	and the Contractor as indicated above, the
		, SURETY,
on bond of (Inseri name and address of Contractor RUSSO DEVELOPMENT, IN( 3710 MILESTRIP ROAD BLASDELL, NEW YORK 142		
relieve the Surety of any of its obligatio	the Contractor, and agrees th ns to	, CONTRACTOR, at final payment to the Contractor shall not
	ERIE COUNTY WATER AUTHOR	ITY
	295 MAIN STREET ROOM 350 BUFFALO, NEW YORK 14203	
as set forth in said Surety's bond.		, OWNER,
IN WITNESS WHEREOF, the Surety I (Insert in writing the month followed by	nas herevnto set its hand on th the numeric date and year.)	ús date: 6-7-2019 ENDURANCE AMERICAN INSURANCE COMPANY
		(Surety)
Attest: Jong White (Scal); JOSEPH V CARDINALE		ary A. Cardinale, Attorney-In-Fact (Printed name and title)

CAUTION: You should sign an original AIA Contract Document, on which this text appears in RED. An original assures that changes will not be obscurad.

AlA Document G707<sup>III</sup> - 1994. Copyright O 1970 and 1994 by The American Institute of Architects. All rights reserved. WARNING: This AlA' Document is protected by U.S. Copyright Law and International Treaties. Unauthorized reproduction or distribution of this AlA' Document, or any opriton of it, may result in severe civil and criminal penalties, and will be prosecuted to the maximum extent possible under this law. Purchasere are permitted to reproduce ten (10) copies of this document when completed. To report copyright violations of AIA Contract Occurrents, or real! The American Institute of Architects' legal counsel, copyright@ala.org. ۰,

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NOT	AR I	ΛĬ.	JURAT

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State of] County of] ss:	, before me personally appeared
day of	, before me personally appeared
known to me to be the person described ment, andhe duly acknowledged to me	d in and who executed the foregoing instru- that <u>he</u> executed the same.
	Notary Public
PARINERSHIP ACKNOWLEDGEMENT	
State of] County of] ss: On this day of	, ', before me personally appeared
mown to me to be a member of the firm of	
lescribed in and which executed the forego	ing instrument, and <u>he</u> thereupon same as and for the act and deed of said firm.
	Notary Public
ORPORATION ACKNOWLEDGEMENT	
tate of NOUS YORK) ounty of EPIE: set	ـــــــــــــــــــــــــــــــــــــ
n this 12th day of June Joseph L. Russet	, 2019 before we personally appeared $3$
o me known, who being by me duly sworn, d	
f the corporation described in and which	id depose and say that <u>ne</u> resides 20 Applicat <u>he</u> is <u>president</u> win executed the foregoing instrument; that <u>the</u> <u>win</u>
nows the seal of said corporation; that t orporate seal; that it was so affixed by	he seal affixed to said instrument is such affixed to
orporation; and that $\underline{-}$ he signed has n	
	the white Karles
	Notary Zublic 2
URETY ACKNOWLEDGEMENT	
tate of <u>NEW YORK</u> ] punty of <u>ERIE</u> }ss:	
a this 7th day of JUNE	, 2019, before me personally appeared
GARY A. CARDINALE	id depose and say: thathe resides in the
ty of BUFFALO, NY	; that he_ is the
	d the within instrument; that <u>he</u> knows the
proprate seal of said corporation; that the	he seal affixed to said instrument is such
procrate seal; that it was so attixed by c tion; and that <u>he signed his</u> name the	order of the Soard of Directors of said corpor- ereto by like order.
	Callen a. Kenning Public
COLLEEN A KENDZIORA NOTARY PUBLIC STATE OF NEW YORK	/Notary Public
MONULEODWO CONFOLMENT OF	
	V

#### ENDURANCE AMERICAN INSURANCE COMPANY Balance Sheet - Statutory - Basis December 31, 2018

Assets:		
Bonds	\$	699,019,994
Common stocks		171,448,831
Cash, cash equivalents and short-term investments		166,556,633
Other invested assets		8,666,856
Total cash and invested assets		1,045,692,314
Agents' balances or uncollected premiums		717,294,317
Reinsurance recoverable on loss and loss adjustment expense payments		341,142,156
Investment income due and accrued		3,631,446
Current federal income tax recoverable		2,738,013
Receivables from parent, subsidiaries and affiliates		42,284,287
Total admitted assets	\$	2,152,782,533
Liabilities:		
Loss and loss adjustment expenses	5	418,074,811
Reinsurance payable on paid loss and loss adjustment expenses	J	263,328,090
Contingent commissions		(1,495,071)
Other expenses		525,700
Taxes, licenses and fees		2,395,197
Unearned premiums		210,103,576
Ceded reinsurance premiums payable		543,669,261
Funds held by company under reinsurance treaties		63,152,601
Amounts withheld or retained by company for account of others		8,041,390
Remittances and items not allocated		2,308,219
Provision for reinsurance		54,816,634
Payable to parent, subsidiaries and affiliates		26,491,158
Payable for securities		2,972,012
Other Habilities		11,499,183
Total liabilities		1,605,882,761
Capital and surplus:		
Common capital stock		6,000,000
Gross paid in and contributed surplus		881,153,297
Unassigned funds (surplus)		(340,253,525)
Total capital and surplus		546,899,772
Total liabilities and capital and surplus	s	2,152,782,533

I, Stan Osofsky, Treasurer of Endurance American Insurance Company (the "Company") do hereby certify that to the best of my knowledge and belief, the foregoing is a full and true Statutory Statement of Admitted Assets, Liabilities, Capital and Surplus of the Company as of December 31, 2018 prepared in conformity with accounting practices prescribed or permitted by the State of Delaware Department of Insurance. The foregoing statement should not be taken as a complete statement of financial condition of the Company. Such a statement is available upon request at the Company's office located at 4 Manhattanville Road, Purchase, NY 10577.

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IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Company at Purchase, New York.

$\frown$	WY COMMISSION EXPIRES 12-07-2019
	<b>VTNUOD XROY WAN VI DAIALAUD</b>
-F	NO 018E6333311
Stan Osofsky	NOTARY PUBLIC STATE OF NEW YORK
Stall OSUISKY	ITANES BENENATI
Subscribed and sworn to before me this	19th day of March 2019

### ENDURANCE AMERICAN INSURANCE COMPANY

#### POWER OF ATTORNEY

Know all Men by these Present , that ENDURANCE AMERICAN INSURANCE COMPANY, a Delaware corporation (the "Corporation"), with offices at 1221 Avenue of the

Americas, 18th Floor, New York, NY 10020, has made, constituted and appointed and by these presents does make, constitute and appoint GARY A. CARDINALE its true and lawful Attorney(s)-in-fact, at Checktowaga in the State of NY and each of them to have full power to act without the other or others to make, execute, seel and deliver for and on its behalf bonds, undertakings or obligations in surety or co-surety with others, also to execute and deliver on its behalf renewals extensions, agreements, waivers, consents or stipulations relating to such aforesaid bonds, undertakings or obligations provided, however, that no single bond or undertaking so made executed and delivered shall obligate the Corporation for any portion of the penal sum thereof in excess of the sum of TEN MILLION Dollars (\$10,000,000).

Such bonds and undertaines by said attomey(s)-in-fact, shall be binding upon the Corporation as fully and to the same extent as if signed by the President of the Corporation under its corporate seal attested by its Corporate Secretary

This appointment is made under and by authority of certain resolutions adopted by the Board of Directors of the Corporation by unanimous written consent on the 1st day of July, 2011, a copy of which appears below under the heading entitled "Certificate."

This Power of Attoring is signed and sealed by facsimile under and by authority of the following resolution adopted by the Board of Directors of the Corporatiorby unanimous written consent on the 21st day of July, 2011 and said resolution has not since been revoked, amended or repeated

RESOLVED, that in granting powers of altogray pursuant to certain resolutions adopted by the Board of Directors of the Corporation by unanimous written consent on the 21st day of July, 2011 the signature of such directors and officers and the seal of the Corporation may be affixed to any such power of attorney or any certificate relating thereto by faceimileand any such power of alloiney or celtificate bearing such facsimile signature or seal shall be valid and binding upon the Corporation in the future with respect to any bond or undertaking to which it is attached 1

IN WITNESS WHEREOF, the corporation has caused these presents to be duly signed and its corporate seal to be hereunto affixed and attested thiskin day of May, 2018 at New York, New York

(Corporate Seal)

ATTEST Pertral M appor

STATE OF NEW YORK

RICHARD M. APPEL. SEMIOR VICE PRESIDENT

ss: MANHATTAN COUNTY OF NEW YORK

ENDURANCE AMERICAN INSURANCE COMPANY BY BRIAN BEGGS, EXECUTIVE VICE PRESIDENT

On the 4th day of May, 2018 before me personally came BRIAN BEGGS to me known, who being by me duly sworn, did depose and say that (s)he resides in NEW YORK, NEW YORK that (s)he is a EXECUTIVE VICE PRESIDENT of ENDURANCE AMERICAN INSURANCE COMPANY, the Corporation described in and which executed the above instrument that (s)he 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

(s)he signed his (her) name thereto by like order. (Notarial Seal) 

STATE OF NEW YORK 7/2019 COUNTY OF NEW YORK 7/2019 SSS: MANHATTAN

Nicholas James Benenati, Notary Public - My Commission Expires 12/07/2019 CERTIFICATE

I, CHRISTOPHER, SPARTO Use, BRESIDENT of ENDURANCE AMERICAN INSURANCE COMPANY, a Delaware Corporation (the "Corporation"), hereby certify.

1. That the original power of allomay of which the foregoing is a copy was duly executed on behalf of the Corporation and has not since been revokedamended or modified; that the has compared the foregoing copy thereof with the original power of attorney and that the same is a true and correct copy of the original power of attorney and of the whole undersioned thereof

2. The following are resolutions which were adopted by the Board of Directors of the Corporation by unanimous written consent on21st day of July, 2011 and said resolutions have not since been revoked, amended or modified:

"RESOLVED, that each of the individuals named below is authorized to make execute, seal and deliver for and on behalf of the Corporation any and all bonds undertakings or obligations in surely or co-surely with others and to execute and deliver for and on behalf of the Corporation renewals extensions, agreements, waivers, consents or stipulations relating to such aforesaid bonds, undertakings or obligations

#### RICHARD M. APPEL, BRIAN BEGGS

#### And be if further

RESOLVED, that each of the individuals named above is authorized to appoint attorneysin-fact for the purpose of making, executing, sealing and delivering bonds, undertakings or obligations in surety or co-surety for and on behalf of the Corporation

3. The undersigned further certifies that the above resolutions are true and correct copies of the resolutions as so recorded and of the whole thereof

IN WITNESS WHEREOF, I have itereonfoster my hand and affixed the corporate seal this 7th day of JUNE . 2019

(Corporate Seal) <sup>9</sup>89000000

Churchy Danie

CHRISTOPHER SPARRO, PRESIDENT

Any reproductions are vold. Primary Surety Claims Submission: suretybondclaims@sompo-Infl.com Surety Claims Holline: 877-876-7575 Mailing Address: Surety Claims Department, Sompo International, 1221 Avenue of the Americas, 180/ Floor, New York, NY 10020

# FINAL CERTIFICATION OF EXPENDITURES TO MBE's

(to be completed by the prime CONTRACTOR and submitted with the request for final payment)

CONTRACTOR	RU550	DEVELOPMENT	jNC.	CONTRACT:	A		-
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AREA # 1 FEB 1 2017 - JAN 31, 2019

MBE	TOTAL AM	OUNT EXPENDED
USTRAFFIC CONTROL, INC.	19,1	634.26
BISON CONTRACTING + BUILDERS	155,	429.31
· · ·		
	TOTAL OF ALL MBI SUB-CONTRACTS	s <u>175,063.5</u> 7
	AMOUNT OF CONTRACT	1,955,600.00
	FINAL MBE PERCENTAGE	8.95%
I, STEVEN LEITTEN		_, as an official
representative of <u>20350 NEVELOP</u>	MENT INC.	
do hereby certify that the information listed abov	re is correct and comple	te.
	NAMI	
	Y ROJECT TITLE	MANAGER
	6/13	1
	DATE	,



AP Invoice List

06/13/19

AP Invoice List by Vendor/Job Vendor 1363 to 1363, Job = 14989

Record#	Invoice#	Due Date	Description	Invoice Total	Retained	Balanc
1363 US Traffic	: Control Inc					
14989		2017-2019				
39627	4049	05/01/2017	rental	459.47		Pai
39628	4050	05/01/2017	rental	463.28		Pai
39629	4051	05/01/2017	rental	623.57		Pai
39786	TCR01031	07/01/2017	rental	284.38		Pai
39840	TCR01122	07/01/2017	rental	457.62		Pai
40243	TCR01189	07/01/2017	14989	591.22		Pai
40524	TCR01696	10/18/2017	14989	306.00		Pai
40525	TCR01697	10/18/2017	14989	435.80		Pai
40633	TCR01740	10/25/2017	14989	335.82		Pai
40791	TCR01905	11/20/2017	14989	320.65		Pai
41098	TCR02007	01/31/2018	14989	395.74		Pai
41370	TCR02342	02/16/2018	14989	1,097.07		Pa
41481	TCR02510	03/24/2018	14989	346.59		Pa
41482	TCR02459	03/11/2018	14989	Void		Vo
41484	TCR02460	03/07/2018	14989	Void		Vo
41588	TCR02227	03/31/2018	14989	Void		Vo
41589	TCR02164	03/31/2018	14989	Void		Vo
41650	TCR02164	03/31/2018	14989	538.00		Pa
41651	TCR02227	03/31/2018	14989	419.20		Pa
41900	TCR01632	05/31/2018	14989	489.16		Pa
41950	TCR02988	06/21/2018	14989	352.89		Pa
41954	TCR02751	05/17/2018	14989	461.10		Pa
42038	TCR02983	06/20/2018	14989	423.05		Pa
42219	TCR03052	07/01/2018	14989	345.39		Pa
42451	TCR032222	07/31/2018	14989	631.00		Pa
42507	TCR03393	08/25/2018	14989	421.75		Pa
42670	TCR03557	09/22/2018	14989	496.66		Pa
42766	TCR02773	10/01/2018	14989	342.10		Pa
42767	TCR03264	10/01/2018	14989	865.40		Pa
42768	TCR03279	10/01/2018	14989	298.10		Pa
42769	TCR03528	09/15/2018	14989	456.70		Pa
42770	TCR03351	08/31/2018	14989	599.90		Pa
43023	TCR03614	10/04/2018	14989	598.25		Pa
43099	TCR03861	11/15/2018	14989	456.45		Pa
43147	TCR03819	11/04/2018	14989	3,149.35		Pa
43214	TCR03972	12/07/2018	14989	921.55		Pa

# AP Invoice List

Continued...

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Record#	Invoice#	Due Date	Description	Invoice Total	Retained	Balance
43606	TCR04092	01/09/2019	14989	836.55		Paid
43671	TCR04230	02/13/2019	14989	414.50		Paic
			Job Totals:	19,634.26		
			Vendor Totals:	19,634.26		
			Grand Totals:	19,634.26		

06/13/19

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AP Invoice List 06/13/19

Russo Development, Inc.

AP Invoice List by Vendor/Job Vendor 1262 to 1262, Job = 14989

Record#	Invoice#	Due Date	Description	Invoice Total	Retained	Balanc
1262 BISON CO	ONTRACTING &	BUILDERS				
	ECWA Area #1					
39391	6684	03/26/2017	materials	4,397.75		Pai
39474	6700	04/06/2017	materials	662.32		Pai
39475	6701	04/06/2017	materials	2,423.40		Pai
39476	6699	04/06/2017	materials	3,007.52		Pai
39633	6753	05/06/2017	materials	1,820.94		Pai
39841	6842	07/01/2017	14989	6,783.37		Pai
39915	6983	07/31/2017	#14989	3,698.67		Pai
40016	7046	08/17/2017	14989	1,426.80		Pai
40115	6989	07/31/2017	14989	398.36		Pai
40122	7033	07/31/2017	14989	9,027.33		Pai
40367	7123	09/07/2017	14989	3,686.16		Pai
40368	7124	09/07/2017	14989	1,990.81		Pai
40379	7268	10/18/2017	14989	944.42		Pai
40380	7266	10/18/2017	14989	1,024.55		Pai
40381	7267	10/18/2017	14989	3,734.22		Pai
40382	7269	10/18/2017	14989	204.38		Pai
40383	7290	10/21/2017	14989	2,433.90		Pai
40587	7324	10/28/2017	14989	1,786.92		Pai
40588	7316	10/28/2017	14989	2,954.71		Pai
40778	7409	11/23/2017	14989	198.19		Pai
40780	7415	11/23/2017	14989	2,650.32		Pai
40871	7214	12/01/2017	14989	4,927.38		Pai
40872	7213	12/01/2017	14989	2,144.90		Pai
40913	7388	12/31/2017	14989	571.65		Pai
41002	7448	01/31/2018	14989	120.44		Pai
41013	7473	01/31/2018	14989	130.46		Pai
41041	7518	12/21/2017	14989	766.96		Pai
41074	7517	12/21/2017	14989	6,822.30		Pai
41075	7554	01/09/2018	14989	1,496.21		Pai
41352	7634	03/09/2018	14989	476.76		Pa
41353	7632	03/29/2018	14989	-456.80		Pa
41354	7633	03/09/2018	14989	3,370.88		Pa
41359	7631	03/08/2018	14989	9,836.77		Pa
41366	7612	02/21/2018	14989	635.62		Pa
41367	7614	02/21/2018	14989	1,188.87		Pai
41371	7613	02/21/2018		463.79		Pai

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# **AP Invoice List**

Continued...

Record#	Invoice#	Due Date	Description	Invoice Total	Retained	Balance
41392	7581	01/31/2018	14989	7,442.83		Paid
41393	7582	01/31/2018	14989	14.36		Paid
41395	7591	02/02/2018	14989	238.93		Paid
41529	7682	04/06/2018	14989	299.25		Paid
41571	7689	04/12/2018	14989	4,788.54		Paid
41706	7744	05/06/2018	14989	395.81		Paid
41718	7733	05/01/2018	14989	3,498.75		Paid
41873	7793	05/26/2018	14989	9,277.56		Paid
41874	7806	06/01/2018	14989	736.05		Paid
41997	7867	06/22/2018	14989	1,003.21		Paid
41998	7866	06/22/2018	14989	422.89		Paic
41999	7868	06/22/2018	14989	105.32		Paic
42122	7907	07/08/2018	14989	5,364.17		Paid
42123	7926	07/14/2018	14989	2,746.40		Paio
42124	7908	07/08/2018	14989	695.92		Paid
42147	7940	07/19/2018	14989	6,202.39		Paid
42473	8065	08/29/2018	14989	8,365.99		Paid
42475	8039	08/22/2018	14989	1,588.15		Paid
42476	8038	08/22/2018	14989	184.80		Paid
42832	8168	10/01/2018	14989	1,063.55		Paid
42958	8257	11/02/2018	14989	4,638.40		Paio
42961	8198	10/10/2018	14989	4,077.99		Paid
42962	8197	10/10/2018	14989	993.62		Paid
42963	8234	10/24/2018	14989	1,066.86		Paid
43024	8258	11/02/2018	14989	1,022.11		Paid
43041	8266	11/16/2018	14989	429.71		Paid
43260	8285	11/14/2018	14989	40.95		Paid
43261	8296	11/21/2018	14989	973.57		Paie
			Job Totals:	155,429.31		
			Vendor Totals:	155,429.31		
			Grand Totals:	155,429.31		