

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

**Contract:** \_\_\_\_\_ **Project No.:** 202000099  
**Project Description:** Highway Rehabilitation, NY 354 (Clinton St); Buffalo (ECL) to  
NY 954G (Two Rod Rd); Erie County; PIN 5038.17

**Item Description:**

- ☐ Agreement ☐ Professional Service Contract ☐ Amendment ☐ Change Order  
☐ BCD ☒ NYSDOT Agreement HC140 ☐ Contract Documents ☐ Addendum  
☐ Recommendation for Award of Contract ☐ Recommendation to Reject Bids  
☐ Request for Proposals  
☐ Other \_\_\_\_\_

**Action Requested:**

- ☐ Board Authorization to Execute ☒ 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  
☐ Other \_\_\_\_\_

**Approvals Needed:**

**APPROVED AS TO CONTENT:**

<input type="checkbox"/> Other (if Applicable)	_____	Date: _____
<input checked="" type="checkbox"/> Chief Operating Officer	<i>Russell J. Hall</i>	Date: 2/2/2020
<input checked="" type="checkbox"/> Executive Engineer	<i>Joseph F. Kovalich</i>	Date: 2-13-2020
<input type="checkbox"/> Director of Administration	_____	Date: _____
<input type="checkbox"/> Risk Manager	_____	Date: _____
<input checked="" type="checkbox"/> Chief Financial Officer	<i>Karen A. Pruden</i>	Date: 2/18/20
<input checked="" type="checkbox"/> Legal	<i>Margaret A. Murphy</i>	Date: 2-17-20

**APPROVED FOR BOARD RESOLUTION:**

☒ Secretary to the Authority *TCE* \_\_\_\_\_ Date: 2/19/20

**Remarks:** Adjustment of ECWA facilities (valve boxes) under contract item.

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**Resolution Date:** \_\_\_\_\_

**Item No:** \_\_\_\_\_





Department of  
Transportation

ANDREW M. CUOMO  
Governor

MARIE THERESE DOMINGUEZ  
Commissioner

FRANK P. CIRILLO, SR/WA  
Regional Director

February 4, 2020

Leonard F. Kowalski, P.E., Executive Engineer  
Erie County Water Authority  
3030 Union Road  
Cheektowaga, New York 14227

**RE: Highway Rehabilitation Project  
NY 354 (Clinton St.); Buffalo (ECL) to NY 954G (Two Rod Rd),  
S.H. 371, S.H. 372, S.H. 529, AND S.H. 9202  
Towns of West Seneca, Cheektowaga, Elma, and Marilla; Erie County  
PIN 5038.17, D264214**

Dear Mr. Kowalski:

Enclosed is an electronic copy of the proposed contract plans for the above-referenced project. The Erie County Water Authority has existing facilities within the project limits. The Erie County Water Authority's involvement in this project consists of adjustments to valve box elevations. The details of the adjustment are shown on the project plans included with this letter.

Also enclosed are four (4) sets of documents which include the Utility Work Agreement (HC-140) and the Coordination Note. Each of the four (4) HC-140 forms must be duly approved by an authorized representative of the Erie County Water Authority. **Work included in the State's contract and performed by the State contractor will be done at no expense to the Erie County Water Authority.**

This agreement also requires four (4) copies of a Certified Resolution by your governing body as stated in Section VI – References, of the Utility Work Agreement (HC-140). Each copy must be signed and have a seal affixed to it.

Enclosed is a sample of a Certified Resolution granting the State of New York authority to perform the facility adjustments per contract documents, agreeing to maintain facilities, and authorizing a municipal official to enter agreements with the State of New York.

Please return four (4) original sets of the signed Agreements, Coordination Note, and Certified Resolution to Ronald Rolling, Regional Utilities Engineer, 100 Seneca Street, Buffalo, NY 14203 by **March 10, 2020**. One (1) copy of the fully executed agreement will be returned to you for your records.

Any questions regarding work to be done may be directed to Mr. Keith Gawronski, Design Job Manager (DJM), at (716) 847-3757 or via e-mail at [Keith.Gawronski@dot.ny.gov](mailto:Keith.Gawronski@dot.ny.gov). Questions regarding these forms can be directed to Mr.

HWNY-171-2001

202000099

Leonard F. Kowalski, P.E., Executive Engineer  
PIN 5038.17  
February 04, 2020  
Page 2 of 2

Ronald Rolling, Regional Utilities Engineer, at (716) 847-3954 or via e-mail at  
[Ronald.Rolling@dot.ny.gov](mailto:Ronald.Rolling@dot.ny.gov).

Sincerely,

William P. Zimmerman, P.E.  
Engineering Support Unit Manager

By: Ronald Rolling  
Ronald W. Rolling, P.E.  
Regional Utilities Engineer

WPZ/RWR/EJC/AJP/kar

Enclosures: Project Plans, Utility Work Agreement (HC-140), Coordination Note, and  
Certified Resolution sample



## ERIE COUNTY WATER AUTHORITY INTEROFFICE MEMORANDUM

February 12, 2020

TO: Terrence McCracken, Secretary to the Authority  
Margaret Murphy, Esq., Attorney

FROM: Steven W. Denzler, P.E., LEED BD&C *swd*

SUBJECT: Highway Rehabilitation Project  
NY 354 (Clinton St); Buffalo (ECL) to NY 954G (Two Rod Rd)  
Erie County  
PIN 5038-17, D264214  
ECWA File No.: HWNY-171-2001  
ECWA Proj. No.: 202000099

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The attached referenced documents are prepared by the New York State Department of Transportation (NYSDOT) because they will be performing roadway improvements that will impact ECWA facilities. NYSDOT will be adjusting valve box elevations as a part of this project. The NYSDOT will do the identified adjustments to ECWA facilities at no cost to the Authority. The HC 140 and Certified Resolution will confirm the process.

Attached are four (4) copies of the NYSDOT HC 140 form for the above project. A Certified Resolution (4 copies) by the Board and signature of the appropriate Authority Official are required. Four (4) copies of the HC 140 and Certified Resolution are to be returned with original signatures and seals affixed to the NYSDOT per the cover letter. The NYSDOT is requesting return of the documents by March 10, 2020.

The HC 140 references two items that must be included in the ECWA Board Resolution:

**“Granting the State of New York authority to perform the adjustment for the owner” and “agreeing to maintain facilities adjusted via State-let contract.”**

(The specific reference is identified in Section VI of the HC140, page 4 of 4.)

If there are any questions, please contact me.

SWD: med

cc: Leonard F. Kowalski, P.E.  
HWNY-171-2001



**NEW YORK STATE DEPARTMENT OF TRANSPORTATION  
UTILITY WORK AGREEMENT**

Since the construction, reconstruction, or maintenance of the transportation project described below, identified as:

Project Identification No.: 5038.17	F.A. Project No.:
ROW Declaration No.:	Map Nos.:
Parcel Nos.:	County of: Erie
Contract No.: D264214	

Project Description: Highway Rehabilitation Project NY 354 (Clinton St.); Buffalo (ECL) to NY 954G (Two Rod Rd), S.H. 371, S.H. 372, S.H. 529, AND S.H. 9202 Towns of West Seneca, Cheektowaga, Elma, and Marilla; Erie County  Municipality, ILE, Reimbursable
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necessitates the adjustment of utility facilities as hereinafter described, the owner, **Erie County Water Authority**, of said facilities herewith agrees with the State of New York acting through the Commissioner of Transportation that this agreement shall apply to the accommodation of these utility facilities. Any adjustment of said facilities will be accomplished under the terms of this agreement, in accordance with the Rules and Regulations Governing the Accommodation of Utilities within the State Highway Right-of-Way, in compliance with the attached Special Note, "Coordination with the Utility Schedule", and in accordance with the contract plans, specifications, proposal, amendment(s) or change order(s).

**I. Existing Facilities** (describe type, size, capacity, location, etc.)

Erie County Water Authority has existing facilities and their location(s) below:

Existing water lines within the highway boundary of NY 354 (Clinton St.) .

presently located on **NY State Right-of-Way** as shown on the plans for the proposed transportation project are to be adjusted as follows: (describe type, size, capacity, location, etc.)

Adjust valve box elevations.

per contract documents

for an estimated \$ N/A

**NEW YORK STATE DEPARTMENT OF TRANSPORTATION  
UTILITY WORK AGREEMENT**

**II. Financial Responsibility** (check appropriate boxes):

- ☐ The facilities to be adjusted under the terms of this agreement are subject to Section 52 of the State Highway Law, and the cost of this adjustment is the sole responsibility of the owner.
- ☒ Subdivision 24 of Section 10 of the State Highway Law enables the Commissioner of Transportation to provide, at the expense of the State, for adjustment to a municipally owned utility when such work is necessary as a result of State highway work. (Municipal Agreement if required.)
- ☐ Subdivision 24-b of Section 10 of the State Highway Law enables the Commissioner of Transportation to participate in the necessary expenses incurred for adjustment of privately, publicly, or cooperatively owned facilities, municipal utility facilities, or facilities of a corporation organized pursuant to the State Transportation Corporations Law. (Privately Owned Property Agreement or Reimbursement Agreement required.)
- ☐ Subdivision 27 of Section 10 of the State Highway Law enables the Commissioner of Transportation, upon the request of a municipality, to perform for and at the expense of such municipality specified work to be included within a State-let contract. (Betterment Resolution required.)
- ☐ Subdivision 33 of Section 10 of the State Highway Law enables the Commissioner of Transportation, upon the request of a public utility corporation, to perform for and at the expense of such public utility corporation specified work to be included within a State-let contract.
- ☐ Subdivision 13 of Section 30 of the State Highway Law enables the Commissioner of Transportation to enter into an agreement to reimburse with public funds the owner for necessary expenses incurred as a result of this adjustment, or to replace the facilities in kind.
- ☐ The owner will develop and keep a record of costs in accordance with the New York State Department of Transportation (NYSDOT) Reimbursement Procedures, and when federal funds participate in the cost, the Federal Highway Administration (FHWA) Federal-Aid Policy Guide Part 645, or as indicated below:

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**NEW YORK STATE DEPARTMENT OF TRANSPORTATION  
UTILITY WORK AGREEMENT**

**III. Physical Adjustment Method** (check appropriate boxes):

The actual adjustment or design engineering will be performed by the following method (s):

- ☒ Contract let by the Commissioner.
- ☐ Contract let by the Owner. (check applicable statement, i.e., a or b)
  - ☐ a. Best Interests of State.
  - ☐ b. Utility not sufficiently staffed or equipped.
- ☐ By the Owner's forces.

**IV. Betterment, Salvage, and Depreciation Credits Due the Project** (check appropriate boxes):

- ☒ There will be no extension of service life, improved capacity, nor any other betterment of the facility (as defined by the NYSDOT Utility Reimbursement Procedures and by FHWA Federal-Aid Policy Guide Part 645) as a result of the adjustments made pursuant to this agreement.
- ☐ There is betterment described as follows:  
  
\_\_\_\_\_

- ☐ The owner will not claim reimbursement for that betterment portion of the work, but will duly account for it as required by applicable NYSDOT and FHWA procedures.
- ☐ The owner hereby agrees to deposit with the Comptroller of the State of New York the amount of \$\_\_\_\_\_ to cover the cost of the betterment as described above.
- ☐ The owner agrees to comply with the requirements of the NYSDOT Utility Reimbursement Procedure and FHWA Federal-Aid Policy Guide Part 645 with the respect to salvage and depreciation credits when applicable.

**V. General Covenants**

The owner hereby agrees to accept full title and responsibility for the adjusted facility in writing upon satisfactory completion of the work. Such acceptance will acknowledge the owner's responsibility to maintain the facility in accordance with all applicable codes, standards and regulations, including his obligation, where applicable, to remove any or all of the facility from the highway at the order of the Commissioner of Transportation, all in accordance with the Rules and Regulations Governing the Accommodation of Utilities within the State Highway Right-of-Way. All compensable claims covered by this agreement will be included in one of the following:

- A. Privately Owned Property Agreement executed prior to the performance of the work.
- B. Municipal Agreement executed prior to performance of the work.
- C. Reimbursement Agreement executed prior to performance of the work.
- D. Such other agreement as approved by NYSDOT Office of Legal Affairs.

**NEW YORK STATE DEPARTMENT OF TRANSPORTATION  
UTILITY WORK AGREEMENT**

**VI. References**

The following documents are herewith incorporated in this agreement be reference (check appropriate boxes)

☒ Federal Highway Administration's Federal-Aid Policy Guide Part 645.

☒ Contract documents: Contract Number \_\_\_\_\_

PIN: 5038.17

Plan Sheets No.: Electronic copy of the proposed contract plans

☐ Owner's Plan Sheets \_\_\_\_\_

☐ Owner's Estimate Sheets Form No. FIN 223c

☒ Resolution dated \_\_\_\_\_, by \_\_\_\_\_

☒ Granting the State of New York authority to perform the adjustment for the owner.

☒ Agreeing to maintain facilities adjusted via State-let contract.

☐ Authorizing deposit of funds by the owner.

☒ Certification by the owner or his agent that he has the legal authority to enter into this agreement.

_____ (Print/Type Name) Owner or Agent	_____ (Signature)	_____ Title	_____ Date
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_____ Arvind K. Salgam, P.E. For the NYSDOT Commissioner of Transportation			_____ Statewide Utilities Engineer Title	_____ Date
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**SPECIAL NOTE****COORDINATION WITH THE UTILITY SCHEDULE**

The contractor must coordinate their schedule of operations with the various utility owners involved with the project and shall verify utility information found in the contract documents. Utility revisions required by the various utility owners in connection with this project include:

**Erie County Water Authority****Utility Field Contact:**

Leonard F. Kowalski, P.E., Executive Engineer  
Erie County Water Authority  
3030 Union Road  
Cheektowaga, New York 14227  
D: (716) 685-8220  
O: (716) 684-1510  
C: (716) 341-1137  
F: (716) 684-8397  
[lkowalski@ecwa.org](mailto:lkowalski@ecwa.org)

Erie County Water Authority has existing waterlines within the highway boundary of NY 354 (Clinton St.).

**Reimbursable work to be done by the State's contractor:**

The project requires adjustment of valve box elevations per details in the contract documents.

The work is to be done by the State's contractor and paid by contract items.

The State's Engineer-In-Charge, in coordination with the State's contractor, shall notify the Erie County Water Authority in writing 2 weeks before commencing work on their facilities.

The State's Engineer-In-Charge will provide record plans to the Erie County Water Authority.

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**Additional Notes**

1. The Contractor is governed by and must adhere to the provisions of 16 NYCRR Part 753 (Protection of Underground Facilities).
2. The utility adjustment time frame(s), as stated above, have been mutually established by the New York State Department of Transportation (NYSDOT) and the utility owners based upon the recommended sequence of construction. Alterations to the recommended sequence of

construction may affect the time schedules for adjusting utility facilities. The contractor should expect that additional time may be required by the utility owner for planning and material procurement.

3. The State's contractor shall verify utility information found in the contract documents. The State's contractor shall notify the State's Engineer-In-Charge of any discrepancies that are found.
4. In addition to the above-itemized facility adjustments, other adjustments may become necessary during the construction phase as a result of more precise location data or other changes that might develop.
5. The Standard Specifications shall apply to all utility facility adjustments.
6. Any additional adjustments shall be performed by the utility owners and/or the State's contractor upon direction by the State's Engineer-In-Charge.
7. Suitable time frames for the additional work shall be coordinated between the State's Engineer-In-Charge, the State's contractor, and the affected utility owners. Such time frames shall not be included within previously established time frames.

**END OF COORDINATION WITH THE UTILITY SCHEDULE**