

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

<b>Contract:</b> _____	<b>Project No.:</b> _____
<b>Project Description:</b>	Authorization to pay Ledge Creek Notice of Claim Regarding Driveway Repair Work at Service Center, 3030 Union Road

**Item Description:**

<input 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 checked="" type="checkbox"/> Other <u>Board Authorization to pay notice of claim</u>			

**Action Requested:**

<input 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 checked="" type="checkbox"/> Other <u>Board Authorization to Pay Notice of Claim</u>	

**Approvals Needed:**

**APPROVED AS TO CONTENT:**

<input checked="" type="checkbox"/> Department Head	<u>Margaret A Murphy</u>	Date: <u>6/5/19</u>
<input type="checkbox"/> Risk Manager	_____	Date: _____
<input checked="" type="checkbox"/> Chief Financial Officer	<u>Karen A. P...</u>	Date: <u>6/5/19</u>
<input checked="" type="checkbox"/> Executive Engineer	<u>Kenneth J...</u>	Date: <u>6/5/19</u>

**APPROVED AS TO FORM:**

<input type="checkbox"/> Legal	_____	Date: _____
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**APPROVED FOR BOARD RESOLUTION:**

<input checked="" type="checkbox"/> Secretary to the Authority	<u>[Signature]</u>	Date: <u>6/6/19</u>
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**Remarks:** \_\_\_\_\_

<b>Resolution Date:</b> _____	<b>Item No:</b> _____
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**ERIE COUNTY WATER AUTHORITY  
INTEROFFICE MEMORANDUM**

June 5, 2019

**To:** Jerome D. Schad, Chair  
Mark S. Carney, Vice Chair  
E. Thomas Jones, Treasurer

**Cc:** Terrence D. McCracken, Secretary  
Jacqueline Mattina, Associate Attorney  
Karen A. Prendergast, Chief Financial Officer  
Russell J. Stoll, Executive Engineer

**From:** Margaret A. Murphy, Attorney

**Subject:** Notice of Claim: Ledge Creek Development  
Blacktop Paving at ECWA Service Center  
ECWA Work Order: 33792

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On February 25, 2019, Robert J. Lichtenthal filed a Staff Memorandum requesting “a one-time waiver to allow a Purchase Order to be created for [a] procurement” to pay an invoice submitted by Ledge Creek Development. Mr. Lichtenthal also provided the Board of Commissioners an interoffice memorandum from Stan Jemiolo, Administrative Assistant for Facilities, explaining why Ledge Creek had been hired to do blacktop paving at the Service Center.

At the March 7, 2019 meeting, the Board directed Mr. Lichtenthal to direct the vendor to file a Notice of Claim. A copy of the Notice of Claim is attached for your review.

At the time of service was rendered, Ledge Creek had been under contract with the Authority to perform restoration services. This particular project was not within the scope of service of that restoration contract. Additionally, the work performed was not under an emergency situation due to the fact the area paved had fallen under disrepair for a number of years. Mr. Jemiolo directed the work to be performed because there were sufficient funds within the restoration contract to complete the paving. After consulting with the Chief Executive Officer and the Executive Engineer, I would recommend the Board authorize the payment of this claim in the amount of \$9,655.47.

4/30/2019

**From:** Ledge Creek Development  
10100 County Rd  
Clarence Center, N.Y. 14032

**To:** ECWA Legal Dept.  
295 Main st. room 350  
Buffalo, N.Y. 14203  
Attn: Terrence D. McCracken  
(Certified Mail Return Receipt Requested)

**Notice of Claim**

Work Completed: Emergency Blacktop Paving

Location of Work: ECWA Service Center - 3030 Union Rd. Cheektowaga, N.Y. Work

Work Authorized: 9-7-18

ECWA issued work order #: 33792

Work Completed: 10-30-18

Work Accepted On: 10-30-18

Invoice Date: 11-30-18

The above-referenced work was completed in good faith, as directed by members of ECWA.

Please see attached correspondence documenting the following chronology of events:

On 8/9/2018 Ledge Creek Development was asked to meet at the site and provide a written estimate for emergency blacktop patching at the above- mentioned service center. A member of Ledge Creek's staff met with ECWA representatives at the site to review the scope of work and prepare an estimate. This estimate was submitted on 8/27/2018. On 9/7/2018, written approval was given for Ledge Creek to complete the agreed upon work. The final quantities were measured and verified by an ECWA representative, and Ledge Creek submitted an invoice dated 11/30/2019. After not receiving payment for a few months, we were informed that the ECWA legal department was looking into whether this job had been awarded in a proper manor, according to ECWA procurement rules. In this instance, Ledge Creek Development performed work as directed by ECWA members, and payment should not be held from us. Please see attached invoice, and consider expediting payment as the invoice is already over 120 days old.

Sincerely,

Christopher Jones  
VP Operations  
Ledge Creek Development



**LEDGE CREEK**  
DEVELOPMENT, INC.

10100 County Road  
Clarence Center NY 14032-  
(716) 741-3174 fax(716) 741-3175

Erie County Water Authority  
295 Main St.  
360 Ellicott Square Bldg.  
Buffalo, NY 14203-2494

**REQUEST FOR PAYMENT**

Date	Invoice number	Terms	Due date	Contact name	PO number
11/30/2018	S18002-11A	30	12/30/2018	Stan Jemiolo	ID 33792
Description	Quantity	U/M	Unit Price	Extended Price	

to invoice you for work complete October 1st thru October 31st, 2018

1E - Top per 1" of Depth	62.00	SY	12.00	744.00	
1F - Binder per 1" of Depth	911.10	SY	9.00	8,199.90	
1I-1 - Cold Milling <25SY /1" Depth	23.33	SY	30.50	711.57	

Subtotal	9,855.47
Sales tax	0.00
<b>TOTAL</b>	<b>9,855.47</b>