



**ERIE COUNTY WATER AUTHORITY**  
**INTEROFFICE MEMORANDUM**

February 8, 2024

To: Terrence D. McCracken, Secretary to the Authority

From: Michael W. Wymer, PE, Senior Production Engineer *MW*

Subject: Furnish Necessary Labor and Materials for the Pickup, Hauling, and Disposal of Aluminum-Based Residuals, Zebra Mussels, and Other Debris and Waste Located at Different Properties Belonging to the ECWA for One Year from May 1, 2022, through April 30, 2023 – Amendment No. 2  
ECWA Project No. 202200044

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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.
- Three (3) originals of Amendment No. 2 request for Board action and execution by the Authority.

Modern Disposal Services, Inc. has been contracted to dispose of various wastes at several facilities across throughout our system including the Service Center and both treatment plants. The Work consists of furnishing necessary labor and materials for the pickup, hauling, and disposal of aluminum-based residuals, zebra mussels, and other waste materials, recyclable mixed office paper and cardboard.

The current contract for services with Modern (extended on March 23, 2023, under Amendment No. 1), will expire on April 30, 2024. Modern has agreed to extend the contract for one additional year to April 30, 2025, under the same terms and conditions.

**Budget Information:**

Department No.: 100 Production Department

Unit No. 1010 Sturgeon Point; O&M Item 35, Refuse and Disposal

Unit No. 1015 Van de Water; O&M Item 35, Refuse and Disposal

Unit No. 1020 Control Operations; O&M Item 19, Payment to Contractors - Others

Department No.: 300 Administration

Unit No. 3070 Facilities; O&M Item 35, Refuse and Disposal

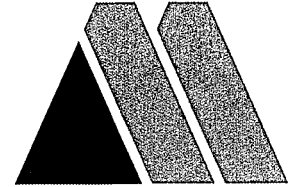
MWW:jmf

Attachments

cc: C.Eaton

L.Kowalski

ECWA-927-2201-X-12



February 7, 2024

Mr. Michael Wymer, PE  
Erie County Water Authority  
3030 Union Road  
Cheektowaga, NY 14227-1097

Re: Contract Extension

Dear Mr. Wymer:

Thank you for the opportunity to service the waste and recycling needs of the Erie County Water Authority for the past four (4) years.


Pursuant to your email dated 2/6/2024 Modern Disposal agrees to a one (1) year extension of the current contract with ECWA as called out in the contract documents. The current extension ends on April 30, 2024. The additional extension will end on April 30, 2025

Modern acknowledges the extension is mutual and the current terms and conditions will remain in full force and effect with the extension.

Thank you for considering our request and we look forward to furthering our relationship with the Erie County Water Authority's acceptance of our request.

Should you have any questions please contact me directly and 716.754.8226.

Sincerely,



Chris Balbierz  
Director of Sales and Marketing

Modern Disposal Service, Inc.

Cc: ECWA file



■ 4746 Model City Road, P.O. Box 209, Model City, NY 14107-0209  
■ 716-754-8226 ■ 1-800-330-7107 ■ Fax: 716-754-8964

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

**Contract:** \_\_\_\_\_ **Project No.:** 202200044  
**Project Description:** Furnish Necessary Labor and Materials for the Pickup, Hauling, and Disposal of Aluminum-Based Residuals, Zebra Mussels, and Other Debris and Waste Located at Different Properties Belonging to the ECWA for One Year from 05/01/2022 through 04/30/2023

**Item Description:**



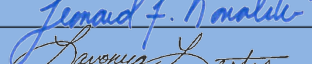




Agreement     Professional Service Contract     Amendment     Change Order  
 BCD     NYSDOT Agreement     Contract Documents     Addendum  
 Recommendation for Award of Contract     Recommendation to Reject Bids  
 Request for Proposals  
 Other \_\_\_\_\_

**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 checked="" type="checkbox"/> Sr. Production Engineer		Date: <u>2/8/2024</u>
<input checked="" type="checkbox"/> Chief Operating Officer		Date: <u>02/08/2024</u>
<input checked="" type="checkbox"/> Executive Engineer		Date: <u>2/9/2024</u>
<input checked="" type="checkbox"/> Director of Administration		Date: <u>02/08/2024</u>
<input checked="" type="checkbox"/> Risk Manager		Date: <u>2/9/2024</u>
<input checked="" type="checkbox"/> Chief Financial Officer		Date: <u>02/09/2024</u>
<input checked="" type="checkbox"/> Legal		Date: <u>2/9/2024</u>

**APPROVED FOR BOARD RESOLUTION:**

<input checked="" type="checkbox"/> Secretary to the Authority		Date: <u>2/10/2024</u>
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**Remarks:** Amendment No. 2

**Resolution Date:** \_\_\_\_\_ **Item No:** \_\_\_\_\_

**AMENDMENT NO. 2 TO  
PICKUP, HAULING, AND DISPOSAL OF RESIDUALS,  
ZEBRA MUSSELS, AND OTHER DEBRIS AND WASTE CONTRACT**

AMENDMENT, effective February 22, 2024, to the Contract for Furnishing Necessary Labor and Materials for the Pickup, Hauling, and Disposal of Aluminum-Based Residuals, Zebra Mussels, and Other Debris and Waste (Contract No. 22-16-04) (the “Contract”), entered on April 28, 2022, by and between

**ERIE COUNTY WATER AUTHORITY**  
295 Main Street, Room 350  
Buffalo, New York 14203

hereinafter referred to as the “Authority,” and

**MODERN DISPOSAL SERVICES, INC.**  
4746 Model City Road  
Model City, New York 14107

hereinafter referred to as “Contractor.”

**WHEREAS**, on April 28, 2022, the Authority awarded the Contractor the Contract; and

**WHEREAS**, the Contract, executed on April 28, 2022, provides services until April 30, 2023; and

**WHEREAS**, in accordance with section 00500, paragraph 11.00, subparagraph A of the Contract, the parties may agree to extend the Contract on the same terms and conditions for two additional one-year terms; and

**WHEREAS**, on March 23, 2023, the parties agreed to extend the Contract until April 30, 2024; and

**WHEREAS**, the Contractor has agreed to extend this Contract until April 30, 2025 based on the same terms and conditions; and

**NOW, THEREFORE**, in consideration of mutual promises herein set forth, the parties agree to the following:

- (1) The terms and conditions of the Contract shall continue in effect until April 30, 2025;

(2) This Amendment may be executed in counterparts, each of which is deemed an original, but all of which together are deemed to be one and the same agreement; and

**IN WITNESS WHERETO**, the parties hereto have caused this Amendment No. 2 to be signed by their respective duly constituted officers, attested and sealed pursuant to proper authority.

**ERIE COUNTY WATER AUTHORITY**

By \_\_\_\_\_  
Jerome D. Schad, Chair

**MODERN DISPOSAL SERVICES, INC.**

By \_\_\_\_\_

**STATE OF NEW YORK )**  
**COUNTY OF ERIE ) ss:**

On the \_\_\_ day of February, in the year 2024, before me personally came Jerome D. Schad, to me known, who, being by me duly sworn, did depose and say that he resides in the Amherst, New York, that he is the Chair of the Board of Commissioners for the Erie County Water Authority described in the above instrument, and he signed his name thereto by the authorization of the Board of Commissioners for the Erie County Water Authority.

\_\_\_\_\_  
Notary Public

**STATE OF NEW YORK )**  
**COUNTY OF \_\_\_\_\_ ) ss:**

On the \_\_\_ day of \_\_\_\_\_, in the year 2024, before me personally came \_\_\_\_\_, to me known, who, being by me duly sworn, did depose and say that he/she resides in \_\_\_\_\_ that he/she is the \_\_\_\_\_ of the Corporation described in the above instrument; and that he/she signed his/her name thereto by order of the Board of Directors of said Corporation.

\_\_\_\_\_  
Notary Public