

ITEM 3 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH TOSHIBA INTERNATIONAL CORPORATION TO PERFORM PREVENTIVE MAINTENANCE CHECKS ON MEDIUM VOLTAGE DRIVES AT THE ERIE COUNTY WATER AUTHORITY'S VAN DE WATER WATER TREATMENT PLANT, IDENTIFIED AS CONTRACT NO. TOSH-003, PROJECT NO. 201800003 AT A COST NOT TO EXCEED \$42,200.00 FOR YEAR ONE, \$44,200.00 FOR YEAR TWO AND \$46,200.00 FOR YEAR THREE

Motion by %MOTION% seconded by %SECOND%

WHEREAS, The Erie County Water Authority ("Authority") owns and operates five Toshiba medium voltage drives contained at the Authority's Van de Water Treatment Plant; and

WHEREAS, The Toshiba drives require preventive maintenance checks consisting of inspection, cleaning, component testing/evaluation, cleaning/re-tightening of electrical connections, calibration and tuning; and

WHEREAS, Toshiba International Corporation ("Toshiba") is the sole supplier for the drives; and

WHEREAS, The Authority deems it advisable to have Toshiba provide on-site labor required to perform preventative maintenance checks on the five Toshiba drives contained at the Authority's Van de Water Treatment Plant; and

WHEREAS, Under the date of April 3, 2018, Toshiba submitted two copies of the proposed agreement between the Authority and them consisting of typewritten pages outlining services to be performed as follows:

SECTION 1 - QUALIFICATION OF SERVICE PROVIDER

SECTION 2 - SCOPE OF SERVICES

SECTION 3 - PAYMENT FOR SERVICES

SECTION 4 - SUBCONTRACT AND ASSIGNMENT

SECTION 5 - AMENDMENTS

SECTION 6 - RIGHT TO TERMINATE

SECTION 7 - INDEMNIFICATION

SECTION 8 - LIMITATION OF LIABILITY

SECTION 9 - CONFIDENTIAL INFORMATION

SECTION 10 - INSURANCE

SECTION 11 - COPYRIGHTS, TRADEMARKS, AND LICENSING

SECTION 12 - NEW YORK LAW AND JURISDICTION

SECTION 13 - CONFLICTS OF INTEREST

SECTION 14 - ADDITIONAL CONDITIONS

SECTION 15 - ENTIRE AGREEMENT

SECTION 16 - INDEPENDENT STATUS

SECTION 17 - COMPLIANCE

SECTION 18 - GRATUITIES

SECTION 19 - NOTICE

SECTION 20 - SEVERABILITY

SECTION 21 - WARRANTY; and

WHEREAS, The term of the agreement will be for three years starting upon effective date of this Agreement; and

WHEREAS, The Authority agrees to pay Toshiba for services described in said proposal in accordance with the terms as outlined in Section 3 of said proposal entitled Payment for Services; and

WHEREAS, Russell Stoll, Executive Engineer and Michael Haendiges, Production Engineer recommend acceptance of said agreement by the Authority;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority accepts the agreement with Toshiba to provide on-site labor required to perform preventative maintenance checks on the five Toshiba drives contained at the Authority's Van de Water Treatment Plant under the terms and conditions set forth in said proposal; and be it further

RESOLVED: That the Chairman is hereby authorized to execute said agreement on behalf of the Authority; and be it further

RESOLVED: That the Secretary is hereby authorized to forward an executed copy of said Agreement together with a certified copy of this resolution to Toshiba.

Ayes: %AYES%

Noes: %NOES%

04/19/18-pjf

ITEM 4 - AUTHORIZATION TO ACCEPT THE PROPOSAL OF CHILD AND FAMILY SERVICES OF ERIE COUNTY TO PROVIDE EMPLOYEE ASSISTANCE PROGRAM SERVICES

Motion by %MOTION% seconded by %SECOND%

WHEREAS, Heretofore and on the 22nd day of February, 2018 the Erie County Water Authority's ("Authority") Board of Commissioners authorized the issuance of a Request for Proposals ("RFP") to qualified firms to provide Employee Assistance Program Services; and

WHEREAS, A copy of the RFP was sent to:

Child & Family Services
Employee Resources
Palladian EAP; and

WHEREAS, All three firms responded to the RFP; and

WHEREAS, The RFP process was conducted pursuant to the enacted state legislation (New York State Finance Law §§139-j and 139-k) and the Authority's Purchasing Guidelines, Policies and Procedures; and

WHEREAS, Upon evaluating the response to the RFP, the Authority deems it advisable to have Child and Family Services of Erie County provide Employee Assistance Program Services; and

WHEREAS, Daniel J. NeMoyer, Director of Human Resources recommends that the Authority accept the proposal of Child and Family Services of Erie County to provide Employee Assistance Program Services; and

NOW, THEREFORE, BE IT RESOLVED:

That the Authority accepts the proposal of Child and Family Services of Erie County to provide Employee Assistance Program Services; and

RESOLVED: Pursuant to New York State Finance Law §§139-j and 139-k and the Authority's Purchasing Guidelines, Policies and Procedures with the award and execution by the Authority of this agreement, the Restricted Period will cease; and be it further

RESOLVED: That the Chairman is hereby authorized to execute all and any agreements necessary on behalf of the Authority; and be it further

RESOLVED: That the Secretary be and he hereby is authorized to forward a certified copy of this resolution to Child and Family Services of Erie County.

Ayes: %AYES%

Noes: %NOES%

04/19/18-pjf

ITEM 5 - APPROVAL OF CHANGE ORDER NO. 1 OF FREDERICK MACHINE REPAIR, INC. FOR MACHINING AND FABRICATION SERVICES FOR THE REPAIR OF VARIOUS ERIE COUNTY WATER AUTHORITY EQUIPMENT FROM AUGUST 1, 2017 TO JULY 31, 2018, PROJECT NO. 201700071, CONTRACT NO. 17-09-06 - \$90,265.00

Motion by %MOTION% seconded by %SECOND%

WHEREAS, Heretofore and on the 22nd day of June, 2017, the Erie County Water Authority ("Authority") entered into a contract with Frederick Machine Repair, Inc. for Machining and Fabrication Services for the Repair of Various Erie County Water Authority Equipment from August 1, 2017 to July 31, 2018, identified as Contract No. 17-09-06; and

WHEREAS, Said contractor has submitted Change Order No. 1 in the sum of \$90,265.00 to cover unexpected costs at the Sturgeon Point Water Treatment Plant; and

WHEREAS, The reason for said change is because unexpected additional work performed by Contractor exceeded the original estimated amount; and

WHEREAS, Russell Stoll, Executive Engineer and Michael Haendiges, Production Engineer recommend approval of said Change Order No. 1;

NOW, THEREFORE, BE IT RESOLVED:

That Change Order No. 1 of Frederick Machine Repair, Inc. in the amount of \$90,265.00 to provide for the abovementioned change be approved; and be it further

RESOLVED: That the Chairman is hereby authorized to execute said Change Order No. 1 on behalf of the Authority.

Ayes: %AYES%

Noes: %NOES%

04/19/18-pjf

ITEM 6 - APPROVAL OF CHANGE ORDER NO. 8 OF KANDEY COMPANY, INC. FOR EMERGENCY WATERMAIN REPAIR CONTRACT, AUGUST 1, 2015 THROUGH JULY 31, 2017, PROJECT NO. 201500031, CONTRACT NO. 15-11-07 - \$208,042.41

Motion by %MOTION% seconded by %SECOND%

WHEREAS, Heretofore and on the 22nd day of July, 2015, the Erie County Water Authority ("Authority") entered into a contract with Kandey Company, Inc. for Emergency Watermain Repair Contract, August 1, 2015 through July 31, 2017, identified as Contract No. 15-11-07; and

WHEREAS, Said contractor has submitted Change Order No. 8 to provide for the following change:

1. Lump sum extra to pay for labor and materials associated with the replacement of multiple sections of 42" transmission main at the Sturgeon Point Water Treatment Plant. The work period covered is from February 4, 2018 through March 17, 2018; and

WHEREAS, The reason for the above change is because the existing contract does not contain items for the type of work that is being performed; and

WHEREAS, Russell J. Stoll, Executive Engineer and Leonard F. Kowalski, Sr. Distribution Engineer recommend approval of said Change Order No. 8;

NOW, THEREFORE, BE IT RESOLVED:

That Change Order No. 8 of Kandey Company, Inc. to provide for the abovementioned change be approved; and be it further

RESOLVED: That the Chairman is hereby authorized to execute said Change Order No. 8 on behalf of the Authority.

Ayes: %AYES%

Noes: %NOES%

04/19/18-pjf

ITEM 7 - RATIFICATION OF THE INSTALLATION OF HYDRANTS AND VALVES AND RETIREMENT OF EXISTING HYDRANTS AND VALVES - VARIOUS LOCATIONS

Motion by %MOTION% seconded by %SECOND%

WHEREAS, The Engineering Department of the Erie County Water Authority ("Authority") advised that hydrants and valves were installed as part of the Authority's program to keep pace with improvements in fire fighting technology, as follows:

Replace existing 6" valve at Willowbend and Frederick Road, City of Tonawanda with a new 6" resilient seat valve on 1/3/18. Work done by ECWA forces under Work Authorization No. 107.200 6983.

Valve originally installed prior to 8/18/04 was scrapped and retired under Retirement Authorization No. R180002.

Replace existing 6" valve at 306 Willowbend Road, City of Tonawanda with a new 6" resilient seat valve on 1/5/18. Work done by ECWA forces under Work Authorization No. 107.200 6982.

Valve originally installed prior to 8/18/04 was scrapped and retired under Retirement Authorization No. R180001; and

WHEREAS, Russell J. Stoll, Executive Engineer ratifies said installations and work;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority approve the retirement of the abovementioned hydrants and valves at the abovementioned locations; and be it further

RESOLVED: That the installation of the new hydrants and valves in the abovementioned locations, as part of the Authority's continuing program to improve its facilities is hereby approved, ratified and confirmed.

Ayes: %AYES%

Noes: %NOES%

04/19/18-pjf

ITEM 8 - AUTHORIZATION TO GRANT LEAK ALLOWANCE REQUEST - \$2,151.24

Motion by %MOTION% seconded by %SECOND%

WHEREAS, Robert J. Lichtenthal, Jr., Deputy Director advised the Authority that he has received a leak allowance request from an Authority customer listed below resulting from a service line leak:

- 1) Gene Glick Management Co.
3179 McKinley Parkway
Lackawanna, NY 14218
\$2,151.24; and

WHEREAS, Robert J. Lichtenthal, Jr., Deputy Director advised that the request contains documentation showing that the leak has been repaired; and

WHEREAS, Said leak allowance request has complied with all leak allowance requirements; and

WHEREAS, As stated in Section 9.09 of the Authority's Tariff, the granting of a leak allowance shall be in the sole discretion of the Authority; and

WHEREAS, Robert J. Lichtenthal, Jr., Deputy Director recommends granting the above leak allowance request;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority grant the leak allowance request to the abovementioned customer; and be it further

RESOLVED: That the Comptroller is hereby authorized and directed to adjust the account of the abovementioned customer.

Ayes: %AYES%

Noes: %NOES%

04/19/18-pjf

**ITEM 9 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER
AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2018**

Motion by %MOTION% seconded by %SECOND%

WHEREAS, In a resolution dated November 13, 2017, the Erie County Water Authority (the "Authority") adopted its Annual Capital Budget for the fiscal year 2018; and

WHEREAS, From time to time, due to changes in spending priorities, availability of funds, or changes in other circumstances, the Authority finds it proper to amend its Budget to reflect such changes; and

WHEREAS, The Authority has been advised by Leonard Kowalski, Senior Distribution Engineer, that funding is needed to pay outstanding invoices for waterline replacement projects that were completed in 2017; and

WHEREAS, It was not anticipated that any expense would be incurred in 2018 for these projects; and

WHEREAS, In order to provide funding for these, funds within the Capital Budget will need to be re-allocated as follows:

<u>Unit No</u>	<u>Capital No:</u>	<u>Description</u>	<u>Increase</u>	<u>Decrease</u>
2590	101186	WSA-11 Waterline Replacement	\$ 14,000	
2590	101187	WSA-10 Waterline Replacement	<u>15,000</u>	
2590	101078	GP-5 Waterline Replacement		<u>\$ 29,000</u>
Totals			\$ 29,000	\$ 29,000

NOW, THEREFORE, BE IT RESOLVED:

That the Authority's Annual Capital Budget for the fiscal year 2018 be amended as listed above.

Ayes: %AYES%

Noes: %NOES%

04/19/18-SVD:pjf

ITEM 10 - AUTHORIZATION FOR LEONARD KOWALSKI, SR. DISTRIBUTION ENGINEER TO ATTEND THE ANNUAL AWWA ACE CONFERENCE IN LAS VEGAS, NEVADA

Motion by %MOTION% seconded by %SECOND%

WHEREAS, The Erie County Water Authority deems it advisable for Leonard Kowalski, Sr. Distribution Engineer to attend the Annual AWWA ACE Conference in Las Vegas, Nevada at a total estimated cost of \$3,500;.00

NOW, THEREFORE, BE IT RESOLVED:

That Leonard Kowalski, Sr. Distribution Engineer is hereby authorized to travel to Las Vegas, Nevada from June 10, 2018 to June 14, 2018 to attend the Annual AWWA ACE Conference at a total estimated cost of \$3,500.00.

Ayes: %AYES%

Noes: %NOES%

04/19/18-pjf

ITEM 11 - JAMES SHIMO – EXTENSION OF LEAVE OF ABSENCE

Motion by %MOTION% seconded by %SECOND% and carried to grant James Shimo an extension of his leave of absence for a period of one year from his current position of Diesel Generator Mechanic commencing April 21, 2018.

Ayes: %AYES%

Noes: %NOES%

04/19/18-pjf

ITEM 12 - ADOPTION OF POLICY NO. 96.0

Motion by %MOTION% seconded by %SECOND%

WHEREAS, Heretofore and on the 18th day of May, 1995, by Resolution Item No. 25, the Erie County Water Authority ("Authority") adopted an Employee Policies/Procedures Manual (formerly known as Human Resources Policies/ Procedures Manual); and

WHEREAS, Heretofore and on the 27th day of December, 2005 the Authority adopted a revised Employee Policy Policies/Procedures Manual; and

WHEREAS, It is in the best interest of the Authority to adopt Policy No. 96.0 – Public Access to Meetings of the Erie County Water Authority to incorporate in said Manual to read as follows on the attached Schedule “A”; and

WHEREAS, The policy has been prepared and reviewed by Joseph T. Burns, Secretary to the Authority; and

WHEREAS, Joseph T. Burns, Secretary to the Authority recommend adopting the above noted policy to incorporate in the Authority's Employee Policies;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority adopt Policy No. Policy No. 96.0 – Public Access to Meetings of the Erie County Water Authority to incorporate in said Manual to read as follows on the attached Schedule “A”.

Ayes: %AYES%

Noes: %NOES%

04/19/18-pjf

Schedule "A"

**ERIE COUNTY WATER AUTHORITY
HR Policies/Procedures**

Re:	PUBLIC ACCESS TO MEETINGS OF THE ERIE COUNTY WATER AUTHORITY	Policy No.:	96.0
Application:	Authority Wide	Adopted:	04/19/18

PURPOSE AND SCOPE

- (a) The people's right to witness and observe the governmental decision-making process in action is basic to our society. Access to public portions of meetings of public bodies must be protected and maintained.
- (b) We adopt these guidelines in order to provide direction concerning the procedures by which public meetings of this public body may be photographed, recorded and broadcast.

POLICY

1. Recording and Broadcasting Public Portions of Meetings

- (a) The public portion of any meeting of a public body may be photographed, recorded and broadcast.
- (b) A public body may adopt reasonable rules governing the location of equipment and personnel used to photograph, record or broadcast the public portion of a meeting in order to ensure that the use of such equipment does not detract from or interfere with the deliberative process.
- (c) There is no privacy interest in statements made during public portions of meetings of public bodies. Distaste or embarrassment shall not constitute a basis for prohibiting or limiting the photographing, recording or broadcasting of those present at a meeting.

2. Rules for Recording and Broadcasting Public Portions of Meetings

- (a) Operation of equipment to photograph, record or broadcast a meeting is permitted unless it is obtrusive, disruptive, or interferes with the deliberative process or the right of persons in attendance to observe or listen to the proceedings.
- (b) Use of equipment necessary to photograph, record or broadcast is permitted without notice to or express permission from the public body or those in attendance at the meeting.
- (c) Use of equipment necessary to photograph, record or broadcast is permitted in a supervised or unsupervised manner.
- (d) Use of special lighting or large equipment necessary to photograph, record or broadcast a meeting is permitted unless it is obtrusive or disruptive.

(e) Personnel who operate equipment necessary to photograph, record and/or broadcast a meeting shall be permitted to move about the room, as long as such movement does not disrupt or interfere with the deliberative process.

(f) Use of equipment necessary to photograph, record and/or broadcast a meeting shall not be limited to a location from which such equipment is not reasonably capable of photographing, recording and/or broadcasting.

(g) Persons operating equipment necessary to photograph, record and/or broadcast shall be given a reasonable opportunity to modify their actions in order to avoid interference with the deliberative process.

3. Public notice

These rules governing the operation of equipment necessary to photograph, record or broadcast a meeting shall be posted in a designated location. Written copies of such rules shall be provided upon request, free of charge, to those in attendance at or who seek to attend a meeting.

4. Severability

If any provision of these guidelines or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances.