# ERIE COUNTY WATER AUTHORITY MAIN EXTENSION AGREEMENT (Builder-Contractor-Developer)

The ERIE COUNTY WATER AUTHORITY, a public benefit corporation created and existing under the laws of the State of New York, with its principal office at 295 Main Street, Room 350, Buffalo, New York, 14203, hereinafter called the "Authority", and WATERFORD PINES COMMUNITY, LLC, PO Box 945, Hamburg, New York 14075 hereinafter called the "BCD Applicant" agree as follows:

- 1. This Agreement is made pursuant to Subdivision 10, Section 1054 of the Public Authorities Law and Title 10.00, "Extensions of Mains" of the Authority's Tariff.
- 2. The BCD Applicant desires to install water mains, hydrants and appurtenances as follows:

Install approximately 100± linear feet of 8-inch DIP and 1,992± linear feet of 8-inch PVC watermain in Waterford Pines Phase 2, Town of Hamburg, under an Eric County Water Authority Builder, Contractor, Developer (BCD) Agreement.

Install three (3) hydrants and six (6) line valves in Waterford Pines Phase 2, Town of Hamburg, under an Erie County Water Authority Builder, Contractor, Developer (BCD) Agreement.

## Waterford Lane

Beginning at south Abbott Road, thence westerly through three (3) curves within the proposed right-of-way of Waterford Lane, to connect to the existing Waterford Lane for a total distance of 1,384 linear feet.

### **Donegal Court**

Beginning at Station 7+60.12 on Waterford Lane, thence easterly approximately 375 linear feet into Donegal cul-de-sac.

### Killarney Court

Beginning at Station 10+43.83 on Waterford Lane, thence easterly approximately 360 linear feet into Killarney cul-de-sac.

As shown and noted on the Metzger Civil Engineering drawings of Waterford Pines Phase 2 dated October 2, 2018.

- 3. The BCD Applicant shall submit two (2) prints of subdivision drawings showing the proposed water main installation, hydrants, and appurtenances to the Authority's Plan Review Section for review. One (1) print will be returned either approved or marked for correction. If corrections are required, two (2) prints of the revised drawings shall be resubmitted to the Engineering Department for review and approval. The same procedure shall be followed until the drawings are approved.
- 4. If the Authority requires a main greater than eight (8") inches in diameter be installed in a subdivision for the Authority's convenience, the Authority will either install the main, or pay the BCD Applicant the cost difference between installing an eight (8") main and installing the larger main. If the Authority installs a main greater than eight (8") inches in diameter, the BCD Applicant will be required to pay the Authority only the cost for installing an eight-inch main. The Authority must receive payment in advance before the Authority will install any such main. This provision only applies when the Authority directs the installation of a main greater than 8" inches for reasons unrelated to the water needs and demands of the BCD Applicant's subdivision.
- 5. If the BCD Applicant requires a main larger than an eight (8") inch to service the subdivision, the BCD Applicant shall install such main.
- 6. In the event a water main(s) is (are) required to reach the subdivision, the BCD Applicant will be required to submit a plan in compliance with provisions 10.02 through 10.10 of the Authority's Tariff subject to the approval of the Authority.
- 7. Vacant lots in new subdivisions which are to receive water service for an existing main appropriate to the service requested will not be included in this Main Extension Agreement. Applications for these services are to be made individually as each structure is erected. Those services will be installed by the Authority in accordance with the provisions of Section 4.00 of the Authority's Tariff in effect at the time the application is made.
- 8. After the Authority has approved the subdivision drawings, final approval of the subdivision drawings must be obtained from the town, city or other appropriate governmental body. Two reproducible approved drawings shall then be submitted to the Authority for signature of the Authority's Executive Engineer. Two reproducible signed drawings will be returned to the BCD Applicant upon execution of the Main Extension Agreement.
- 9. Prior to beginning installation of the water mains, hydrants and appurtenances, BCD Applicant shall provide the Authority with the following:
  - a. Name of contractor who will be installing water mains and appurtenances;

- b. Shop drawings showing that all materials used in the construction of the water mains and appurtenances meet the Authority's specifications;
- c. Name of engineer who will do the full-time inspection;
- d. Five (5) days advance written notice of the starting date of construction;
- e. A certified copy of the resolution of the town, city or other appropriate governing body authorizing and approving the installation of hydrants. Such resolution shall set forth that the town, city or other appropriate governing body shall pay the annual rates for the hydrants to be installed as provided for in the Authority's Tariff.
- 10. The BCD Applicant shall arrange for water samples and bacterial tests to be taken and tested by an approved laboratory. The results shall be submitted to the Erie County Health Department for approval, and if all tests are satisfactory, the County Health Department shall submit a Certificate of Acceptance to the Authority.
- 11. Authority personnel shall direct the operation of valves on existing water mains during the required leakage and pressure tests and the disinfection of the water mains and appurtenances. If the mains and appurtenances should fail the pressure or leakage tests, the necessary corrective measures shall be taken and the tests repeated until satisfactory results are obtained. Upon completion of these tests, the mains shall be shut off and not placed into service until the County Health Department issues a Certificate of Acceptance, all legal and administrative requirements have been satisfied, and the work has been accepted by resolution of the Authority. The Authority will then turn on the mains, which have been accepted by the Authority, and service can begin.
- 12. Within four (4) weeks of the date the Erie County Health Department Certificate of Acceptance is received, and prior to both acceptance by the Authority and the date water service is begun, BCD Applicant shall provide the Authority with the following:
  - a. Maintenance bond.
    - (1) A maintenance bond in form satisfactory to the Authority and issued by a carrier satisfactory to the Authority in an amount of one hundred (100%) percent of the actual construction cost of the water mains and appurtenances.
    - (2) Said bond shall cover a period of twenty-four (24) months following the completion of the installation of water mains and appurtenances. During this 24-month period, the BCD Applicant agrees to maintain

- and repair the water mains and appurtenances accepted by the resolution of the Authority.
- (3) The completion date shall be established as the date of the acceptance of the work by resolution of the Authority.
- (4) If the BCD Applicant defaults on its/his/her obligation, the Authority may seek to recover the cost of maintenance and repair from the carrier/surety of the maintenance bond.

## b. Payment bond.

- (1) A payment bond in form satisfactory to the Authority and issued by a carrier satisfactory to the Authority in an amount of one hundred (100%) percent of the actual construction cost of the water mains and appurtenances.
- (2) The BCD Applicant will provide said payment bond to insure all labor and materials supplied for the construction and installation of the water mains and appurtenances have been fully paid, ensuring the Authority accepts such water mains and appurtenances without liens or encumbrances.
- (3) Said bond shall cover a period of twelve (12) months following completion of the installation of water mains and appurtenances.
- (4) The completion date shall be established as the date of acceptance of the work by resolution of the Authority.
- c. The Authority may review and verify the actual construction cost of the mains and appurtenances. The actual cost will be used to determine the amount of the maintenance and payment bonds mentioned above, and for all other legal and administrative purposes. The actual cost shall include the furnishing and installing of the pipe, valves, hydrants, paving and other appurtenances required to be completed before the work is accepted by resolution of the Authority.
- d. A statement, signed and sealed by the BCD Applicant's engineer, that all work involved in the installation of water mains and appurtenances was completed in accordance with drawings approved by the Authority and in accordance with the Authority's specifications, that all valves, hydrants and appurtenances are in satisfactory operating condition and that the BCD Applicant's engineer provided full time resident inspection of the work.
- d. One (1) reproducible and electronic file AutoCad 2000 version on CD

Rom or diskette record drawing, to a scale determined by the Authority, showing the constructed location of all mains with at least three readily identifiable ties to all fittings, valves and services. The record drawing shall be marked "As-Built" and bear the seal and license number of the BCD Applicant's engineer. The BCD Applicant's engineer shall certify by seal and signature that he has measured or has supervised the measurement of all dimensions shown on the "As-Built" drawing.

- e. A cost estimate and bill of sale to the Authority for the water mains and appurtenances installed. A completed "Schedule of Inventory" shall be attached to bill of sale on the form provided by the Authority.
- 13. Water service connections will be installed by the Authority at the time requested by the BCD Applicant. The BCD Applicant shall make arrangements as herein prescribed for the water service connection as well as meter installation and payment.
- 14. The BCD Applicant shall notify the Authority when customer service is desired at an individual premise so that a meter can be installed. If the BCD Applicant fails to notify the Authority that a meter should be installed, the BCD Applicant shall be required to pay three (3) times the monthly minimum charge for the size of meter to be installed for each month or part thereof that water has been used at the premise. This period of time will be calculated from the date of issue of the Certificate of Occupancy or the date of sale by the BCD Applicant of said premises, whichever is earlier, to the date the meter is installed. Meter installations will be in accordance with the provisions of Section 6.00 of the Authority's Tariff.
- 15. No hydrant shall be used for any purpose other than the extinguishing of fires, periodic tests of the fire protection system, or periodic drills by legally constituted fire companies, unless written authorization is given by the Authority. The Authority shall be notified in advance of the time of all tests and drills, so that if desired, the Authority may have a representative present.
- 16. At the completion of all the work, labor and service as well as installation of all materials and after all the conditions hereinabove set forth are complied with to the satisfaction of the Authority, the Authority agrees to accept said water mains, hydrants, services, and other appurtenances.
- 17. Title to all water mains, hydrants, services, and appurtenances shall vest in the Authority and the Authority shall provide service to BCD Applicant in the same manner as if the mains were originally installed by the Authority.
- 18. The Authority reserves the right at any time, without notice to shut off the water in its mains to make repairs, extensions or for other purposes, and it is expressly agreed that the Authority shall not be liable for deficiency or failure in the supply

of water, water pressure or for any damage caused thereby or by the bursting or breaking of any main or service pipe or any attachment to the Authority's property, other than through the gross negligence of the Authority. In the interest of public health, the Authority will not permit its mains or services to be connected with any service pipe or piping which is connected with any other source of water supply not approved by the Department of Health of the State of New York.

### 19. It is mutually understood and agreed:

- a. The mains laid or to be laid pursuant to this Agreement shall be and remain the property of the Authority, its successors and assigns, and the Authority retains and shall have the right to extend any main installed by it pursuant to the terms of the Agreement in or to other lands, streets or avenues, but BCD Applicant shall not by reason thereof be entitled to any repayment.
- b. Any authorized representative of the Authority shall have free access to the premises of the BCD Applicant at any reasonable time for the purpose of reading the meter or inspecting said construction.
- c. Only a town, village or legally constituted water district is permitted to resell water supplied by the Authority except as provided in Section 11.05 of the Authority's Tariff.
- d. Water Service may be disconnected for the reasons enumerated in Section 2.32 of the Authority's Tariff.
- e. This extension shall be made in accordance with provisions of the Authority's Tariff.

IN WITNESS WHEREOF, the parties hereto have duly caused their seals to be hereunto affixed and these presents to be signed by their duly authorized officers with the effective date of this Agreement to be the 28<sup>th</sup> day of February, 2019, the date of the Authority's resolution authorizing its execution.

WATERKORD PINES COMMUNITY, LLC

DAVID STAPLETON, Managing Member

ERIE COUNTY WATER AUTHORITY
IFROME D. SCHAD, Chair

STATE OF NEW YORK) ) ss:	
COUNTY OF ERIE )	
On this 14th day of February, 2019, before me personally cam	ıe
DAVID STAPLETON, to me known, who being by me duly sworn, did depose and say the	at
he/she resides at 4623 Pinecrest Torrace, Loston, NY 14057	;
that he/she is the Managing Member of WATERFORD PINES COMMUNITY, LLC, a Ne	w
York domestic limited liability company.  CABL F. SMUKALL  Notary Public, State of New York  No. 4981241  Qualified in Genesee County Commission Expires May 6, 20_19	
STATE OF NEW YORK)  ) ss: COUNTY OF ERIE )	
On this day of , 2019, before me personally car	ne
JEROME D. SCHAD, to me known, who being by me duly sworn did depose and say that	he
resides in Amherst, New York, that he is the Chairman of the ERIE COUNTY WATE	ΞR
AUTHORITY, the corporation named in the foregoing indenture; that he knows the seal of sa	aid
corporation; that the seal affixed to said instrument is such corporate seal; that it was so affix	ed
by a duly adopted resolution of the said Authority and that he signed his name thereto by li	ke
resolution.	

Notary Public - State of New York

# ERIE COUNTY WATER AUTHORITY



# INTEROFFICE MEMORANDUM

November 7, 2018

To: Margaret A. Murphy, Esq., Attorney

From: Steven W. Denzler, PE, Distribution Engineer

Subject: Waterford Pines Phase 2

Town of Hamburg

EC #7020

ECWA File No.: BCD-13-05 ECWA Project No.: 200400497

Attached please find the following documents for your use in preparing a BCD Agreement with Waterford Pines Community, LLC.

- 1. ECWA Authorization Form
- 2. BCD Construction Form
- 3. Attachment "A" copy of Proposed BCD Agreement Description
- 4. Attachment "B" copy of Cost Estimates
- 5. Copy of Application for Approval of Plans for Public Water Supply Improvement
- 6. Copy of Metzger Civil Engineering drawing of Waterford Pines Phase 2 dated October 2, 2018.

SWD:jmf Attachments cc: R.Stoll

BCD-13-05

# ERIE COUNTY WATER AUTHORITY AUTHORIZATION FORM NEW SERVICE AGREEMENTS

Project No.:	200400497	File No.:	BCD-13-05	
Service Address:	Waterford Pines Phase 2			
	Town of Hamburg	THE PARTY OF THE P		
	Type	Size	Co	ost Estimate
Domestic				
Private Fire I	Protection			
Combination			_	
Main Extens	ion Owner-Occupant		1107-004	
Main Extensi	ion Special			
Hydrant Relo	ocation			
Restrictive				
Temporary				
X BCD				
Description: In:	etall approvimately 100	TIE of OH DID	1992± LF of 8"	PVC
3 hydrants, 6 val	ves & all necessary mate			
3 hydrants, 6 val	ves & all necessary mate			
3 hydrants, 6 val	ves & all necessary mateown of Hamburg.	erial for complet		f Waterford
3 hydrants, 6 val Pines Phase 2, To Approvals:	ves & all necessary mate	erial for complet	e installation o	f Waterford
3 hydrants, 6 val Pines Phase 2, To Approvals: Engineering:	ves & all necessary mate	erial for complet	e installation o	f Waterford /7/18

# ERIE COUNTY WATER AUTHORITY CONSTRUCTION AUTHORIZATION

Project No.	20040049	7		Authorization No.:	7020
Budget No.				_ Date:	
				Inputted By/Date: _j	mf 10/25/2018
		Estimate Sta	rting Date	TITLE OF PROJECT:	Installation of approx.
		Estimate Con		100± LF of 8" DIP, 1992±	
yes	X no	Retirement I	-	3 hydrants, 6 valves, and a	
yos		Public Street		complete installation of W	aterford Pines Phase 2
		Private Righ		Town of Hamburg.	4,000,000,000,000,000,000,000,000,000,0
		On Authority		10wii oi Hamourg.	
		Tax Districts		DETAILED DESCRIPT	ION AND PURPOSE:
Name of Gr	antor of Ease	<del></del>			lomestic service to 47 new
Name of Gr	antor of East.	mont		single family homes.	iomicotic solvice to 17 heri
		Date of Ease	ment	single family nomes.	
		. Date of Ease	mont		
CLASS OF	MAIN INST	<b>FALLATION</b>	•		
CLASS OF	WIZERI IIIO	System Bette			
		Bldr/Cont/D			
		Owner Occu			
		Special Reve			
		_ Sportar res			
	ESTIM	ATE COST		ESTIMATED EAR	NINGS & RETURNS
(1) Tota	l Est. Cost		\$		EASE IN REVENUES
(2)		Meters and	\$	(14) Custom	ers @ \$
	ice @			***************************************	<u> </u>
` '	oval Cost Le	ss Salvage	\$	(15) Hydran	
(4) Gros	s Investment		\$		<u> </u>
	DEDU	CT			<b>.</b>
(5) Cons	st. Advance		\$	EST. SAVINGS IN OI	PERATING EXPENSES
\ <i>/</i>	ice Conn.		\$	•••••	
(7) Refu			\$	_ (16)	arnings \$
\ /	Auth. Invest.		\$	_	
(0) -11-1			*	REVENUE I	DEDUCTIONS
	BUDGETAI	RY DATA		(18) Operating Exp.	% \$
(9) Tot.	Budget Expn	d.	\$	(19) Depreciation	\$
	Authorizatio	n	\$	(20) Total Deductions	\$
` '	Approved		\$	(21) Net Income Loss	\$
` '	Apvl. To Dat	te	\$	(22) % Return on Investi	
	Budget Expn	d.	\$	(21) divided by 8)_	%
	A DD	DOMATO		DESOI HTTO	N ADDDONING
Dropostica		ROVALS enzlerSW()		Adopted	N APPROVING
Preparation Sr. Dist. En		CHAICH "> 1 4	<i>f</i>	Adopted	
Exec. Engr.		A ARREST AFE		Item No.	
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Legal Dept.		*		_	
Acct. Dept.					
Acci. Dept.					

### ESTIMATE OF COST

Page 2 200400497 Authorization No. 7020 Project No. **MATERIAL** \$ Entire cost of all material to be paid by the builder, contractor, developer David Stapleton Waterford Pines Community, LLC PO Box 945 Hamburg, New York 14075 \* TOTAL MATERIAL COST (MAT) **CONTRACT LABOR AUTHORITY** Entire cost of all labor to be paid \$ \$ by the builder, contractor, developer **David Stapleton** Waterford Pines Community, LLC PO Box 945 Hamburg, New York 14075 \$ \$ \* TOTAL LABOR COST (LAB) \$ \$ FRINGE BENEFITS COST = 47.86% OF AUTH LAB NON-PROD LABOR COST = 30% OF AUTH LAB TRANSPORTATION COST = \$6.67/HR STORES COST ALLOCATION = 15% OF MAT \*TOTAL INDIRECT COSTS (IND) SUBTOTAL "A" = MAT+LAB+IND \$ OVERHEAD COST (OVHD) + 33% OF SUBTOTAL "A" \$ SUBTOTAL "B" = OVHD = "A" \$ CONTINGENCIES (CONT) = 10% SUBTOTAL "B" \* TOTAL ESTIMATED COPST = CONT + "B" (ROUNDED) \$

### ATTACHMENT "A"

# PROPOSED BCD AGREEMENT DESCRIPTION FOR WATERFORD PINES PHASE 2 TOWN OF HAMBURG

BCD-13-05 EC 7020

ECWA PROJECT NO.: 200400497

Install approximately 100± linear feet of 8-inch DIP and 1,992± linear feet of 8-inch PVC watermain in Waterford Pines Phase 2, Town of Hamburg, under an Erie County Water Authority Builder, Contractor, Developer (BCD) Agreement.

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# Killarney Court

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As shown and noted on the Metzger Civil Engineering drawings of Waterford Pines Phase 2 dated October 2, 2018.

# **ATTACHMENT "B"**

# ESTIMATE OF COST OF WATER MAIN INSTALLATION WATERFORD PINES PHASE 2

TOWN OF CLARENCE BCD-13-05

EC 7020

**ECWA Project No. : 200400497** 

	TOTAL	\$ 237,600.00
Item No. 6	Furnish and Install Permanent 2-inch Blow-off Assembly 2 @ \$ 750.00 each	\$ 1,500.00
Item No. 5	Interconnections 2 @ \$ 3,000.00 each	\$ 6,000.00
Item No. 4	Furnish and Install Gate Valves: 6 @ \$ 1,400.00 each	\$ 8,400.00
Item No. 3	Furnish and Install Hydrants: 3 @ \$ 3,500.00 each	\$ 10,500.00
Item No. 2	Furnish and Install 8-inch PVC: 1992 L.F. @ \$ 100.00 per ft.	\$ 199,200.00
Item No. 1	Furnish and Install 8-inch DIP: 100 L.F. @ \$ 120.00 per ft.	\$ 12,000.00

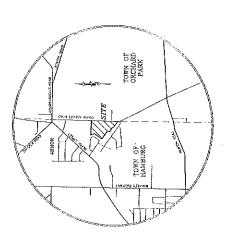
# NEW YORK STATE DEPARTMENT OF HEALTH Bureau of Water Supply Protection

# Application for Approval of Plans for Public Water Supply Improvement

Applicant Erle County Water Authority	Location of works (C,V,T) Town of Hamburg	County Erie	Water District (specific area served) Town of Hamburg
Type of ownership  Municipal Commer Industrial Water W		utional 🗍 Federal	☐ Interstate ☐ International ☐ Native American Reservation
Modifications to existing sys	stem. If eliecked, provide PWS ID #	NY <u>1400443</u>	AMPHILIAN IA STANDARINE MARIE (AL., 1. AMPHILIAN)
	wide capacity development (viubility		
or Floppy Disk. If digital boundary	m, new water district, or a district ex location details are not available pre Digital CAD Data Provided	ovide a text description.	escription location details in digital format on CD
Funding Source M Private	□ DWSRF** □ Fee	ieral 🔲 Othe	r
If DWSRF is checked, provide f	owsrf #		
Ratimated Project Cost Source \$	Treatment \$	Storage \$	Distribution \$\$100,000
Pumping \$		Legal/Permitting \$	\$400.000
Type of Project			
☐Source ☐ Transmission	☐Pumping Unit (	U.V. Light Disinfection Fluoridation Other Treatment	☑ Distribution ☐ Storage ☐ Other
Project Description:			Waterford Pines Phase 2.
Population			
Total population 117.5 of Service area 100%	% population actually served	100	% population served affected by project
Latest total consumption data (in M	GD)	14. NYS Profes	
0.0013 Avg. dayY	2018 'ear	Licensed Engine Stamp & Signat	eer urc ***
Max. day	Year 2018		AMMO
Peak hr	7ear 2018		
Name of design engineer Metzger	Civil Engineering, PLLC		
Address 8245 She	eridan Drive, Williamsville, NY 1 groadrunner.com	4221 Telephone	e No. 716.633,2601
		Fax No.	716,633.2704
3030 Union Ros	nated representative J. Stoll, P.E. Executive Engine ad , Ceektowaga NY 14227	er	
1/2 11	ure of genticant		10/3/K
			t describing the project in detail. The project must first ted representative <i>must</i> be accompanied by a letter of
* Additional information regarding capacity Current DWSRF project listings may	be found at:		

# WATERFORD PINES

ERIE COUNTY, NEW YORK TOWN OF HAMBURG,



LOCATION MAP



CIVIL ENGINEER:
METIZER O'NE ENGINEERING, PLLC.
MOTAGEL U. METIZER, PE
8245 SHERIAN BRYÉ
MILIANSVILE, NEW YORK 14221

Phone No. (716) 633-2601 Fax No. (715) 633-2704

OWNER. SOLLING RIDGE COMMUNITY, LLC. FO BOX 945. HAMBURE, NEW YORK 14075 Phone No. (716) 691-6900 THE PROPOSED WATTH MAIN EXTENSION AND APPROPRIATE AND ASSURED AS APPROPRIATE AND ASSURED AS CHORAL

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METZGER CIVIL ENGINEERING, PLLC

# SCHEDULE OF DRAWINGS:

-	
1	COMER SHEET
	<u>۾</u>

SUBDIVISION MAP 2) SV-1

COPOCPAPHICAL MAP 3) 54-2

CLEARING, STRIPPING, AND SOIL EROSION CONTROL PLAN SCHITARY AND WATERLINE PLAN-1 4) EG-1 5) SH-1

SANTARY AND WATERIJME PLASI-2 5) SW-2

SAUTARY AND WATERLINE PROFILE-RIGHT SIDE 7.85

SANTARY AND WATERLINE PROFILE-LEFT SIDE

PAVING AND DEAMAGE PLASS-1 PAVING AND SPAINSAGE PLAN-7 9) PD-1 10) PD-2

PARENG AND SPLANAGE PROFILES 83) FB-3

PARING AND DRIVINGS PROPILES 12) PD-4

STOPM SEWER-1 REAR-YARD SWALES PROFILES CRADING PLANS-1 14) (3P-1

13) PD--5

CRADING PLAN-2 15) CP-2

LIGHTING PLAN 16} 19-1

AMENITIES & PHASING PLAN 17) 42-1

DETAILS 16) DI-1

DETAGS 19) 01-2

DETAILS 20) 01--3 21) DI-4

22) 51-5 23) DT-6 25) 07-8

72.5 (2.2) 1.5 (

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RECEIVED

ECWA-DESIGN SCD-13-05: 2004 10497 ECWA-DESIGN SEP 2.7 2013