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 Erie 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 hereinafter 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 28th day of February, 2019, the date of the Authority’s resolution authorizing its execution.

WATERFORD PINES COMMUNITY, LLC

[Signature]

DAVID STAPLETON, Managing Member
ERIE COUNTY WATER AUTHORITY

JEROME D. SCHAD, Chair
STATE OF NEW YORK)
COUNTY OF ERIE

On this 14th day of February, 2019, before me personally came
DAVID STAPLETON, to me known, who being by me duly sworn, did depose and say that
he/she resides at 4623 Pinecrest Terrace, Lister, NY 14057;
that he/she is the Managing Member of WATERFORD PINES COMMUNITY, LLC, a New
York domestic limited liability company.

[Signature]
Notary Public - State of New York

STATE OF NEW YORK)
COUNTY OF ERIE

On this day of , 2019, before me personally came
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 WATER
AUTHORITY, the corporation named in the foregoing indenture; that he knows the seal of said
corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed
by a duly adopted resolution of the said Authority and that he signed his name thereto by like
resolution.

[Signature]
Notary Public - State of New York
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

<table>
<thead>
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<th>Project No.:</th>
<th>200400497</th>
<th>File No.:</th>
<th>BCD-13-05</th>
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<td>Waterford Pines Phase 2</td>
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<td>Town of Hamburg</td>
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<tr>
<th>Type</th>
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<td>Private Fire Protection</td>
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<td>Combination</td>
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<tr>
<td>Main Extension Owner-Occupant</td>
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<td>Main Extension Special</td>
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<td>Hydrant Relocation</td>
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Description: Install approximately 100± LF of 8" DIP, 1992± LF of 8" PVC, 3 hydrants, 6 valves & all necessary material for complete installation of Waterford Pines Phase 2, Town of Hamburg.

Approvals:

Engineering: [Signature] Date: 11/7/18
Customer Service: Date: 
Legal: Date: 

Comments: 

________________________________________

P:\BCD\200400497\New Svc01.docx (green)
ERIE COUNTY WATER AUTHORITY
CONSTRUCTION AUTHORIZATION

Project No. 200400497
Budget No. ____________________________

Authorization No.: 7020
Date: ____________________________
Inputted By/Date: jmfl 10/25/2018

Estimate Starting Date: ____________________________
Estimate Complete Date: ____________________________
yes X no

Retirement Involved: ____________________________
Public Street: ____________________________
Private Right of Way: ____________________________
On Authority's Prop Tax Districts: ____________________________

Name of Grantor of Easement: ____________________________
Date of Easement: ____________________________

CLASS OF MAIN INSTALLATION:
System Betterment
Bldr/Cont/Dev. Agree.
Owner Occupant Cont.
Special Revenue Cont.

ESTIMATE COST

(1) Total Est. Cost: $______________
(2) ________ Meters and Service @: $______________
(3) Removal Cost Less Salvage: $______________
(4) Gross Investment: $______________

DEDUCT

(5) Const. Advance: $______________
(6) Service Conn.: $______________
(7) Refunds: $______________
(8) Net Auth. Invest.: $______________

BUDGETARY DATA

(9) Tot. Budget Expnd.: $______________
(10) This Authorization: $______________
(11) Pre Approved: $______________
(12) Tot. Apvl. To Date: $______________
(13) Bal. Budget Expnd.: $______________

APPROVALS
Preparation: S. Denzler __________

ESTIMATED EARNINGS & RETURNS

ESTIMATED INCREASE IN REVENUES
(14) Customers @: $______________
(15) Hydrants @: $______________

EST. SAVINGS IN OPERATING EXPENSES
(16) $______________
(17) Gross Increase in Earnings: $______________

REVENUE DEDUCTIONS
(18) Operating Exp. ________ %: $______________
(19) Depreciation: $______________
(20) Total Deductions: $______________
(21) Net Income Loss: $______________
(22) % Return on Investment
(21) divided by 8 __________ %

RESOLUTION APPROVING
Adopted: ____________________________
Item No. ____________________________
# Estimate of Cost

**Project No.** 200400497  
**Authorization No.** 7020  
**Page 2**

## Material

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<th>Item Description</th>
<th>Quantity</th>
<th>Unit Cost</th>
<th>Total Cost</th>
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David Stapleton  
Waterford Pines Community, LLC  
PO Box 945  
Hamburg, New York 14075

\[
\text{* TOTAL MATERIAL COST (MAT)} \quad $\]

## Labor

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<th>Total Cost</th>
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<tr>
<td>Entire cost of all labor to be paid by the builder, contractor, developer</td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

David Stapleton  
Waterford Pines Community, LLC  
PO Box 945  
Hamburg, New York 14075

\[
\text{* TOTAL LABOR COST (LAB)} \quad $\]

## Authority

<table>
<thead>
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<th>Item Description</th>
<th>Quantity</th>
<th>Unit Cost</th>
<th>Total Cost</th>
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<tbody>
<tr>
<td>FRINGE BENEFITS COST = 47.86% OF AUTH LAB</td>
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<tr>
<td>NON-PROD LABOR COST = 30% OF AUTH LAB</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>TRANSPORTATION COST = $6.67/HR</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>STORES COST ALLOCATION = 15% OF MAT</td>
<td></td>
<td></td>
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<tr>
<td>*TOTAL INDIRECT COSTS (IND)</td>
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<td></td>
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\[
\text{SUBTOTAL "A" = MAT+LAB+IND} \quad $\]

## Contract

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<th>Item Description</th>
<th>Quantity</th>
<th>Unit Cost</th>
<th>Total Cost</th>
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<tbody>
<tr>
<td>OVERHEAD COST (OVHD) + 33% OF SUBTOTAL &quot;A&quot;</td>
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\text{SUBTOTAL "B" = OVHD = "A"} \quad $\]

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<th>Item Description</th>
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<th>Unit Cost</th>
<th>Total Cost</th>
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<tr>
<td>CONTINGENCIES (CONT) = 10% SUBTOTAL &quot;B&quot;</td>
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<td></td>
<td>$</td>
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\[
\text{* TOTAL ESTIMATED COST = CONT + "B" (ROUNDED)} \quad $\]

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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.

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.

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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.

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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.
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

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Description</th>
<th>Quantity</th>
<th>Unit Price</th>
<th>Total</th>
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<tbody>
<tr>
<td>1</td>
<td>Furnish and Install 8-inch DIP:</td>
<td>100 L.F.</td>
<td>$120.00 per ft.</td>
<td>$12,000.00</td>
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<tr>
<td>2</td>
<td>Furnish and Install 8-inch PVC:</td>
<td>1992 L.F.</td>
<td>$100.00 per ft.</td>
<td>$199,200.00</td>
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<tr>
<td>3</td>
<td>Furnish and Install Hydrants:</td>
<td>3 @</td>
<td>$3,500.00 each</td>
<td>$10,500.00</td>
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<td>4</td>
<td>Furnish and Install Gate Valves:</td>
<td>6 @</td>
<td>$1,400.00 each</td>
<td>$8,400.00</td>
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<tr>
<td>5</td>
<td>Interconnections</td>
<td>2 @</td>
<td>$3,000.00 each</td>
<td>$6,000.00</td>
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<tr>
<td>6</td>
<td>Furnish and Install Permanent 2-inch Blow-off Assembly</td>
<td>2 @</td>
<td>$750.00 each</td>
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**TOTAL**  $237,600.00
NEW YORK STATE DEPARTMENT OF HEALTH
Bureau of Water Supply Protection
Application for Approval of Plans for Public Water Supply Improvement

Applicant
Erie 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
☐ Commercial
☐ Private - Other
☐ Authority
☐ Industrial
☐ Water Works Corp.
☐ Private - Institutional
☐ Federal
☐ Board of Education
☐ State
☐ Interstate
☐ International
☐ Native American Reservation

☐ Modifications to existing system. If checked, provide PWS ID # NY 1400443

New System. If checked, provide capacity development (viability) analysis

If this project involves a new system, new water district, or a district extension provide boundary description location details in digital format on CD or Floppy Disk. If digital boundary location details are not available provide a text description.
☐ Digital GIS Data Provided
☐ Digital CAD Data Provided
☐ Other Digital Data Provided
☐ Text Description Provided
☐ N/A

Funding Source
☐ Private
☐ DWSRF**
☐ Federal
☐ Other

If DWSRF is checked, provide DWSRF #

Estimated Project Cost
Source $ Treatment $ Storage $ Distribution $ $100,000
Pumping $ Engineering $ Legal/Permitting $ Total $100,000

Type of Project
☐ Source
☐ Transmission
☐ Corrosion Control
☐ U.V. Light Disinfection
☐ Distribution
☐ Pumping Unit
☐ Fluoridation
☐ Storage
☐ Chlorination
☐ Other Treatment
☐ Other

Project Description:
2055 +/- if of 8" PVC & DIP water line and 3 new hydrants for Waterford Pines Phase 2.

Population
Total population of Service area 117.5
% population actually served 100 % population served affected by project

Latest total consumption data (in MGD)

Avg. day 0.0013 2018
Max. day 0.0055 2018
Peak hr. 0.0022 2018

14. NYS Professional Licensed Engineer Stemp & Signature ***

Name of design engineer
Metzger Civil Engineering, PLLC

Address 8245 Sheridan Drive, Williamsville, NY 14221 metzeng@roadrunner.com

Telephone No. 716.633.2601
Fax No. 716.633.2704

Name and title of applicant or designated representative
ECWA - Russel J. Stoll, P.E. Executive Engineer

Address 3030 Union Road, Cheektowaga NY 14227

Signature of applicant 10/23/18

NOTE: All applications must be accompanied by 3 sets of plans, 3 sets of specifications and an engineer's report describing the project in detail. The project must first be discussed with the appropriate city, county, district or regional public health engineer. Signature by a designated representative must be accompanied by a letter of authorization.

* Additional information regarding capacity development may be found at: http://www.health.state.ny.us/water/development.htm

**Current DWSRF project listings may be found at: http://www.health.state.ny.us/water/dwsrf.htm

***By affixing the stamp and signature the Design Engineer agrees that the plans and specifications have been prepared in accordance with the most recent version of the recommended standards for water works and in accordance with the NYS Sanitary Code.