

E.C.W.A. Claim Data Sheet

TODAYS DATE: Thursday, February 28, 2019

In-House Claim

Number/Claimant: 2018-012 – National Fuel

Claim Status: **Opened:** Tuesday, 17 April 2018
Closed: Thursday, 14 February 2019
Denied:

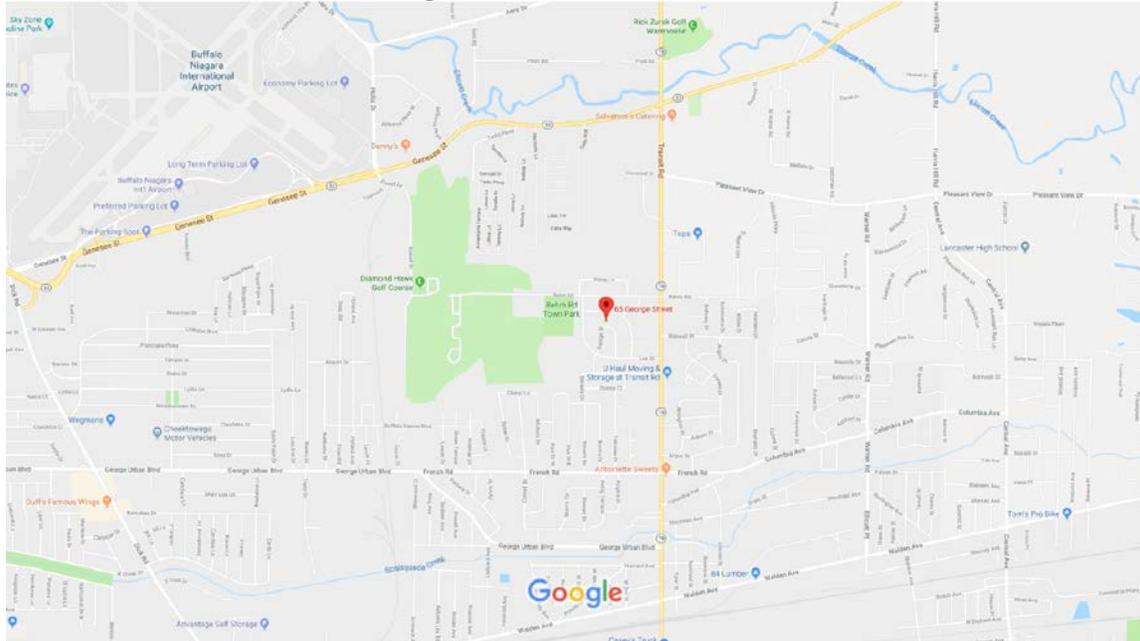
Type of Claim: General Liability – Property Damage

**Report Taken By
& Date:** Tony Alessi – Tuesday, 17 April 2018

Date of Loss: **Monday, 29 January 2018**

Date of Notice: **Monday, 16 April 2018**

Location of Loss: [65 George Street](#)
Depew, New York 14043



**E.C.W.A. Insurance
Provider:** Arch Insurance Company

**Insurance Provider
Claim Number:**

Amount Claimed: **\$15,812.48**

Policy Deductible: \$15,000.00

Amount Paid:

Deductible Paid by E.C.W.A.:

**Insurance Information Form/General Release Form:
(Required if claim is greater than or equal to \$300)**

Date Forms Sent:

Date Forms Received:

Date Approved for Payment:

E.C.W.A. Vehicle Number:

Vehicle Identification Number:

Plate Number:

Year/Make/Model:

**E.C.W.A. Employee Involved
in Incident:**

DLN:

DOB:

Class:

Sex:

Expires:

Status:

Claimant Name: Patrick F. Fellner, Manager of the Risk Department of
National Fuel Gas Distribution Corporation

Claimant Address: 6363 Main Street
Williamsville, New York 14221-5887

Claimant Telephone Number: (716) 857-6920

Claimant Fax Number: (716) 857-7254

Claimant E-mail Address: FellnerP@natfuel.com

Claim Details:

National Fuel Gas alleges, "Damage to Claimant's underground facilities occurred on January 29, 2018, at approximately 8: 17 p.m., at or near 65 George Street, Village of Depew, County of Erie and State of New York, when the Defendant was excavating, Defendant negligently and in violation of the law of trespass, General Business Law, inter alia, Article 36, Sections 760 - 765; Public Service Law, inter alia, Section 119-b; 16 N.Y.C.R.R. Part 753; 29 C.F.R. Sections 926.1, et. seq ., caused damage to Claimant's natural gas line and the loss of gas."

Monday, 16 April 2018 at 12:30 hours:

We received the following [Notice of Claim](#):

SUPREME COURT: COUNTY OF ERIE
National Fuel Gas Distribution Corporation
6363 Main Street
Williamsville, New York 14221

Claimant,

NOTICE OF CLAIM

-vs-

Index No.

Erie County Water Authority
295 Main Street, Room 350
Buffalo, New York 14203

Defendant.

TO THE ABOVE NAMED DEFENDANT:

SIR:

PLEASE TAKE NOTICE that the Claimant herein hereby makes claim and demand against the Erie County Water Authority as follows:

1. The name and post-office address of the Claimant is: National Fuel Gas Distribution Corporation, 6363 Main Street, Williamsville, New York 14221. The name and post office address of Claimant's attorney is: Kenneth M. Gossel, Esq., National Fuel Gas Distribution Corporation, 6363 Main Street, Williamsville, New York 14221.

2. The nature of the claim is an action for the recovery of property damage to Claimant's underground facilities, for gas loss, and for the cost of the repair of said underground facilities caused solely by the negligence of Defendant and Defendant's violation of the law of trespass, General Business Law, inter alia, Article 36, Sections 760 – 765; Public Service Law, inter alia, Section 119-b; 16 N.Y.C.R.R. Part 753; 29 C.F.R. Sections 1926.1, et. seq., while Defendant was excavating in the Village of Depew, County of Erie and State of New York.

3. The time when, the place where and the manner in which the incidents underlying the claim arose are as follows:

- (i) Damage to Claimant's underground facilities occurred on January 29, 2018, at approximately 8:17 p.m., at or near 65 George Street, Village of Depew, County of Erie and State of New York, when the Defendant was excavating, Defendant negligently and in violation of the law of trespass, General Business Law, inter alia, Article 36, Sections 760 – 765; Public Service Law, inter alia, Section 119-b; 16 N.Y.C.R.R. Part 753; 29 C.F.R. Sections 926.1, et. seq., caused damage to Claimant's natural gas line and the loss of gas.

4. The items of damage are property damage to Claimant's underground facilities, detailed above, and the cost of repairing said damage. That said claim and demand is hereby presented for adjustment and payment. PLEASE TAKE FURTHER NOTICE that by reason of the foregoing, and upon the default of the Erie County Water Authority, to pay Claimant the full amount of the damages suffered by reason of the foregoing, within the time limited for compliance with this demand by the said Erie County Water Authority, by the statutes in such cases made and provided, Claimant will institute an action against the Erie County Water Authority, to recover the full amount of Claimant's damages, with interest and costs.

DATED: Williamsville, New York
 April 13, 2018

Respectfully yours,
National Fuel Gas Distribution Corporation

By: 
Patrick F. Fellner
Assistant General Manager of the Risk
Department of National Fuel Gas Distribution
Corporation

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE
National Fuel Gas Distribution Corporation
6363 Main Street
Williamsville, New York 14221,

Claimant,

-vs-

Index No.

Erie County Water Authority
295 Main Street, Room 350
Buffalo, New York 14203

Defendant

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

Patrick F. Fellner, being duly sworn, deposes and says that I am an employee in the Risk Management Department for National Fuel Gas Distribution Corporation; that I have read the forgoing Notice of Claim; that the same is true to my knowledge, except as to matters stated to be alleged upon information and belief, and as to those matters, I believe them to be true based upon information supplied to me; and the reason the verification is made by me because National Fuel Gas Distribution Corporation is a corporation.


Patrick F. Fellner

Sworn to before me this
13th day of April, 2018.


Notary Public

CHRISTOPHER D. KINSLEY
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN NIAGARA COUNTY
MY COMMISSION EXPIRES
NOVEMBER 27, _____

CHRISTOPHER D. KINSLEY
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN NIAGARA COUNTY
MY COMMISSION EXPIRES
NOVEMBER 27, 2018



INVOICE

PIPELINE DAMAGE

2018-47149-01

ERIE COUNTY WATER AUTHORITY
295 MAIN STREET, ROOM 350
BUFFALO, NY 14203

Date of Loss : 1/29/2018 8:27:00 PM
Location : 65 LEE ST
Pipe Size : 2 In.
Facility : Main

Labor Employee #

20246
20253
20395
60360
60493
60584
60627
60833
60887
60925
60948
20394
60520
61019
60562
SUPEX
OVERH

Labor Amount

\$260.24
\$376.78
\$260.24
\$496.85
\$496.85
\$372.31
\$377.34
\$147.23
\$376.78
\$1,127.18
\$376.78
\$1,133.83
\$1,478.36
\$1,131.80
\$63.51
\$1,158.68
\$1,021.88

Material Description

001 MATERIAL-STOCK 1502077 GLOVES LEATHER SAFETY CUF
001 MATERIAL-STOCK 4004332 CUT RESISTANT GLOVES HEAVY
001 MATERIAL-STOCK 4521348 CUTTER WHEEL TO CUT STEEL/
001 MATERIAL-STOCK 5007254 3" PIPE PLASTIC HDPE40 F
001 MATERIAL-STOCK 5007521 2" PIPE PLASTIC 40 FT JOI
001 MATERIAL-STOCK 5804582 2 ELEC FUS CPLG_PLT.
001 MATERIAL-STOCK 5804612 3 ELEC FUS CPLG_PLT.
001 MATERIAL-STOCK 5804612 3 ELEC FUS CPLG_PLT.
001 MATERIAL-STOCK 5830823 TEE BUTT FUSE 3 IPS HDPE
001 MATERIAL-STOCK 5900808 3 X 7 DIST LINE MARKER WHIT
001 MATERIAL-STOCK 5900832 2" PIG WHITESKIN SDR 11 PLT
001 MATERIAL-STOCK 5904418 3"PE WHITW SKIN PIGP/N01-1
001 MATERIAL-STOCK 6003389 WIRE COPPER-CLAD STEEL POLY
001 MATERIAL-STOCK 6003976 CONNECTOR TRACER WIRE (315

Amount Billed

\$11.74
\$73.52
\$85.43
\$16.54
\$25.89
\$22.36
\$34.60
\$69.20
\$11.39
\$49.24
\$35.49
\$35.49
\$3.16
\$2.86

Equipment Description

011 DIR VEH & TOOLS

Amount Billed

\$446.93

General Description

RESTORATION ODER 964674
RESTORATION ORDER964676

Amount Billed

\$1,276.80
\$480.00

Minutes Blowing

660.0

CCF

3640

\$2,475.20

Total Due =

\$15,812.48

Total Paid =

\$0.00



04/13/2018

Balance Due = \$15,812.48

PLEASE REFER TO FILE # : 70016651 ON ALL CORRESPONDENCE

PLEASE DETACH THIS PORTION AND RETURN WITH YOUR PAYMENT

CLAIM # : 2018-47149-01 NFG FILE # : 70016651 AMOUNT: \$15,812.48

REMIT PAYMENT NATIONAL FUEL
WITHIN 30 DAYS FINANCE DEPARTMENT
TO: Patrick Fellner
 6363 Main Street
 Williamsville, NY 14221-5887
 (716) 857-6920

**NATIONAL FUEL
DAMAGE TO COMPANY PROPERTY REPORT**

INVESTIGATION DATA (To be completed by first responder - charge all time and material to 70 #.)

DAMAGE # 70-01665-1 LEAK # D113340 C.S.O. # 10050998
 Time and Date of Damage: 2017 1-29-18 Camcorder Photographs Hit Kit Utilized
(Time) (Date) (video/photos must be taken on every line hit.)

NOTE: Notify NY Damage Prevention Supervisor if line hit occurred in NY - (716)864-2947

Damage Occurred: **Below Grade** Complete All Sections **Above Grade** Complete All Sections **Gas quality issue** Sections A, C, E
(If applicable)

SECTION A: DAMAGE LOCATION AND DESCRIPTION: COMPLETE FOR ALL DAMAGES / INCIDENTS

Address / Exact Location: 65 George St Depew NY
 Between Intersections of: at Lee St & George St
 City / Town: Depew County: Erie
 Right of Way where event occurred: (Select One)
 Public: City St-1 State Hwy-2 Interstate Hwy-7 County Rd-8 Other-9 Federal Land-12
 Private: Land Owner-3 Private Business-4 Railroad-5 Pipeline-6 Private Easement-10
 Dedicated Public Utility Easement-11 Power / Transmission Line-13 Unknown / Other-99
 Damaged by: Contractor*-1 County-2 Farmer-3 Municipality-4 Occupant-5
 (Select One) Railroad-6 State-7 Utility-8 Developer -9 Unknown/Other-99
 If a Contractor, who are they working for: _____

Company: Eric County Water Owner/Contact Name: Tom Gabby
 Address: 3030 Union Rd
 Address: _____
 City / Town: Chickawasha State: NY Zip Code: 14227
 Phone #: 716-684-1510 Equipment Operator's Name: Dave LaFalio
 Damager's Insurance Carrier: N-A Policy Number: N-A
 Vehicle License Plate #: N-A State Jurisdiction: NA Make/Model: NA

Type of Excavation Equipment:(Select One) Auger-1 Backhoe Track Hoe-2 Boring-3 Drilling-4
 Directional Drill-5 Explosives-6 Grader/Scraper-7 Hand Tools/Shovel-8 Vacuum Equip-9
 Probing Device-10 Trencher-11 Farm Equip-12 Milling Equip-13 Unknown/Other-99

Description of Incident (Select One Type of work being performed):
 Agriculture -1 Cable Television-3 Bldg. Construction-4 Curb/Sidewalk-5 Bldg. Demolition-6 Drainage-7
 Driveway-8 Electric-9 Engineering/Survey-10 Fencing-11 Natural Gas-12 Irrigation-13
 Landscaping-1 Grading-15 Pole-16 Public Transit Auth-17 Railroad Maint-18 Road Work-19
 Sewer(Sanitary/Storm)-20 Site Development- Steam-22 Storm Drain/Culvert-23 Street Light-24
 Telecommunications-25 Traffic Signal-26 Traffic Sign-27 Water-29
 Liquid Pipeline-31 Milling-32 Unknown/Other-99 Waterway Improvement-30

SECTION B: LOCATE INFORMATION: COMPLETE FOR ALL DAMAGES

Was the One-Call Center notified? Yes No N/A If yes, please provide the One Call ticket number: 01248-843-204
 Ticket Response Code: 3
 Type of Locator: Utility Owner Contract Locator Unknown/Other
 Facility Marked? Y N Marks Visible in Excavation Area: Y N Unknown/Other
 Marked Accurately: Y N
 Remarks: 2" 711 mp Gas main was mark accurately
 Investigated by: Paul Stence Employee #: 60562

SECTION C: REPAIR DATA - COMPLETE FOR ALL DAMAGES (To be completed by repair personnel.)

What type of facility was affected? **Size:** 2 S **Type:** 1 Bare Steel
 (Select One) (Inches) (Codes) 2 Coated Steel
 Distribution Main A - 1/8 E - 5/8 3 Cast Iron
 Distribution Service B - 1/4 F - 3/4 4 Wrought Iron
 Gathering C - 3/8 G - 7/8 5 Plastic
 Transmission D - 1/2 S - 0 9 Other
 Unknown/Other (Explain Below) X - Out Dia.

Explanation: _____

Was the facility part of a joint trench? Unknown Y N **Gas blowing:** Y N

No. of Service Interruptions: 1 **Duration of Interruption:** 20 (hours)

Estimated cost of damage/repair/restoration: Less than \$5,000 or \$ _____ **DRO No(s):** 964674/964676

Number of people injured: 0 **Number of fatalities:** 0

Additional Explanation: _____

A Completion report is required if the main size, material, or dimension changed. Use "70" number. Update SVL info for serv. change.

Repaired by: Cugliuzza **Employee #** 60948

SECTION D: GAS LOSS CALCULATION DATA - COMPLETE FOR BELOW AND ABOVE GRADE DAMAGES WITH GAS BLOWING

Line Pressure (psig): 38 12
 (lbs.) (oz.) 5" w.c. = 3 oz.
Time Leak Stopped: 08:03 AM 7" w.c. = 4 oz.
Time Blowing (min.): 600 8.5" w.c. = 5 oz.
 (Time Blowing = Time Leak Stopped - Time of Damage) 10" w.c. = 6 oz.
Hole Size (in.): 1 1 12" w.c. = 7 oz.
 (length) (width)

Choose the Type of Break
 Incomplete Break (Complete hole size)
 Complete Break: 2-way feed
 Complete Break: 1-way feed

SECTION E: CHECKLIST FOR PROCESSING AND SUPERVISOR APPROVAL - COMPLETE FOR ALL DAMAGES

SEND BILL - Y N (Mis-Mark Review Required if Unlocatable, Locator Error or Incorrect records/maps.)

If "YES" - Choose Reason (Select One) **If "NO" - Choose Reason and Explain Below**
 (Contract Locator may be billed if Contractor Locator error.)

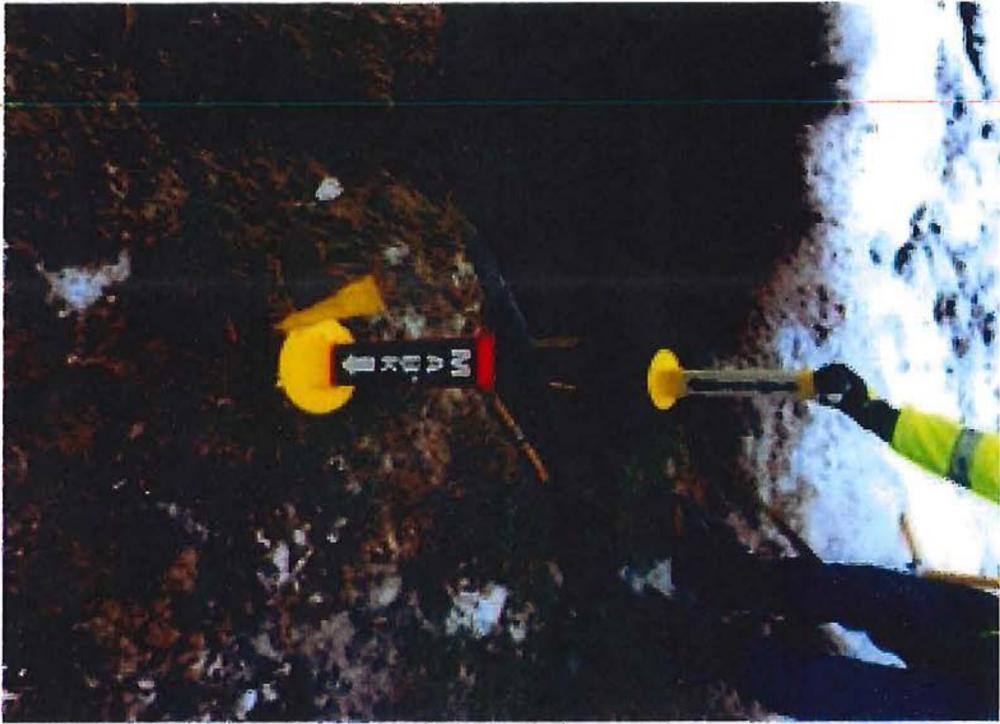
No notification made to the one call center-7
 Notification to one-call center made, but not sufficient-14
 Wrong information provided to one call center-12
 Excavation practices not sufficient/Excavator Error-15
 Failure to maintain clearance-19
 Failure to maintain marks-20
 Failure to support exposed facilities-21
 Failure to use hand tools where required-22
 Failure to verify location by test-hole (pot-holing)-23
 Improper backfilling practices-24
 Other-99

One call center error-6
 Facility could not be found or located-9 (Unlocatable)
 Facility marking or location not sufficient-4 (Locator Error)
 Facility was not located or marked-1 (Locator Error)
 Incorrect facility records/maps-11
 Abandoned facility-10
 Deteriorated facility-13
 Previous damage-16

If Billing Locate Contractor:
 Facility marking or location not sufficient by locate contractor-4 (Contractor Locator Error)
 Facility was not located or marked by locate contractor-1 (Contractor Locator Error)

Explanation: Erie County water Authority hit 2" PLT main that was marked as I flagged while digging to repair a water main break.

Supervisor Approval: [Signature] **Employee #:** 60583 **Date:** 5-2-2018
District Mgr. Approval: [Signature] 267









6363 Main Street
Williamsville, NY 14221

*National Fuel
Distribution Engineering*

1100 State St.
Eric, PA 16501

Memo

To: Kim Folger
From: Matthew Wisotzky
Date: April 9, 2018
Re: Gas Loss for Leak D113340 and Damage Number 70-01665-1

The gas loss for the referenced leak on George St. was approximately 3640 Ccf. The line was blowing for 660 minutes.

The gas loss was determined using GASCalc 5.0 Revision 011, April 02, 2013 software by Bradley B. Bean PE. The system pressures were verified with Operations recording charts or other available data regarding conditions that are typical for this area.

If you need any additional information, please do not hesitate to contact me at 7054.

cc. Matt Frank

Notification 964676 D DRO - Single
 Notific. Status OSNO I DISP
 Description DRO-Landscape 3

Header Buyout Quotation Ref. Object

Connection Object
 Connection Object 40623712

Service Address
 House no./str 77 LEE ST
 District CWB - VILLAGE OF DEPEW Town Code CWB1
 Location 14043 DEPEW NY Grid Code CWB
 Jurisdict. code NYENGNE10 Reg. Struct. EEO

DRO Header
 DRO Number 964676 Date 01/30/2018
 Activity Number OR Job No (XX-XXXX-1) 70-01665-1 RC 101

Premise Info
 Property class R Distance From Nearest Cross Street CORNER OF LEE
 City Permit No Hold For DRO 0
 Remarks Hold Code
 Cause Of Damage LINE HIT

Dispatched
 Dispatch Date 03/28/2018 Repaired Date Buyout Date Contr Inv#

Damage To And Repair & Dimensions

Type of Repair Needed:	Dimensions:		Damage To:	Buyout Door Hanger:
	Total	Sq Ft		
<input type="radio"/> Miscellaneous	480		Top & Seed <input checked="" type="checkbox"/> Re-Do <input type="checkbox"/>	<input checked="" type="radio"/> Yes <input type="radio"/> No
<input checked="" type="radio"/> Landscape	LN	WD	Sod <input type="checkbox"/>	Level:
<input type="radio"/> Concrete	A 24	20	Walk <input type="checkbox"/>	<input checked="" type="radio"/> Level
<input type="radio"/> Blacktop	B 0	0	Drive <input type="checkbox"/>	<input type="radio"/> Non-Level
<input type="radio"/> Street	C 0	0	Concrete Base <input type="checkbox"/>	
	D 0	0	Asphalt <input type="checkbox"/>	
	E 0	0	Other <input type="checkbox"/>	

Funct	Partner	Name	A Address
Customer	10512834	MICHELLE GRANT	77, GEORGE URBAN BLVD, CH
Vendor/Contractor	8417	D & H Paving LLC	7168930066
Reported By	60360	ERIC FOSS	
Supervisor	60583	Thomas J Martin	

Notification	964676	<input type="checkbox"/> ID	DRO - Single
Notific. Status	Q5NO	<input type="checkbox"/> I	DISP
Description	DRO-Landscape <input type="checkbox"/>		
<div style="display: flex; justify-content: space-between;"> Header Buyout Quotation Ref. Object </div>			
Quote Amount			
Type Of Repair	TOP SOIL - LEVEL		
Calculated Amount	480.00		
Buyout Quote Amount	480.00	<input type="checkbox"/>	Overwrite
Quote Message			
Message	THIS DRO HAS ALREADY BEEN DISPATCHED		
Owner Information			
Owner/RatePayer	18327088	DONNA LUH	
Street/Hse. No.	77	LEE ST	
Location	14043	DEPEW	US NY

Notification 964674 DRO - Single
 Notific. Status OSNO DISF
 Description DRO-Landscape

Header Buyout Quotation Ref. Object

Connection Object
 Connection Object 40623523

Service Address
 House no./str 65 GEORGE ST
 District CW8 - VILLAGE OF DEPEW Town Code CNE1
 Location 14043 DEPEW NY Grid Code CN3
 Jurisdict. code NYENCWE10 Reg. Struct. EEO

DRO Header
 DRO Number 964674 Date 01/30/2018
 Activity Number CR Job No (XX:XXXX-1) 70-01665-1 RC 113

Premise Info
 Property class R Distance From Nearest Cross Street CORNER OF LEE
 City Permt No Hold For DRO 0
 Remarks Hold Code
 Cause Of Damage LINE HIT

Dispatched
 Dispatch Date 03/28/2018 Repaired Date Buyout Date Contr Inv#

Damage To And Repair & Dimensions

Type of Repair Needed:	Dimensions:		Damage To:		Buyout Door Hanger:
<input type="radio"/> Miscellaneous	Total	1,995	Sq Ft	Top & Seed <input checked="" type="checkbox"/>	Re-Do <input type="checkbox"/> <input checked="" type="radio"/> Yes <input type="radio"/> No
<input checked="" type="radio"/> Landscape	LN	WD	Sod <input type="checkbox"/>	Walk <input type="checkbox"/>	Level: <input checked="" type="radio"/> Level <input type="radio"/> Non-Level
<input type="radio"/> Concrete	A	30	26	Drive <input type="checkbox"/>	
<input type="radio"/> Blacktop	B	13	15	Concreta Base <input type="checkbox"/>	
<input type="radio"/> Street	C	30	34	Asphalt <input type="checkbox"/>	
	D	0	0	Other <input type="checkbox"/>	
	E	0	0		

Func	Partner	Name	A Address
Customer	10363648	GREGORY ROGERS	65, GEORGE ST, DEPEW,
Vendor/Contractor	8417	D & H Paving LLC	7168930066
Reported By	60360	ERIC FOSS	
Supervisor	60583	Thomas J Martin	

Notification	964674	<input type="checkbox"/> D	DRO - Single
Notific. Status	OSNO	<input type="checkbox"/> i	DISP
Description	DRO-Landscape <input type="checkbox"/> Z		
<div style="display: flex; justify-content: space-between;"> Header Buyout Quotation Ref. Object </div>			
Quote Amount			
Type Of Repair	TOP SOIL - LEVEL		
Calculated Amount	1,276.80		
Buyout Quote Amount	0.00	<input type="checkbox"/>	Overwrite
Quote Message			
Message	DO NOT QUOTE - BUYOUT AMOUNT OVER \$ 800.00 MUST BE AUTHO...		
Message	THIS DRO HAS ALREADY BEEN DISPATCHED		
Owner Information			
Owner/RatePayer	10363648	GREGORY ROGERS	
Street/Hse No.	65	GEORGE ST	
Location	14043	DEPEW	US NY

6363



RETURN SERVICE REQUESTED

CERTIFIED MAIL

1353 581040



7034 2320 0000 9433 9685

Hasler
04/13/2018
USPS POSTAGE \$07.20⁰⁰



ZIP 14212
011D12602458



Erie County Water Authority
295 Main Street, Room 350
Buffalo, New York 14203

18 APR 15 PM 12:30
ERIE COUNTY
WATER AUTHORITY

Wednesday, 11 April 2018 at 10:32 hours:

[I received the following e-mail:](#)

From: [Dennis Ball](#)
To: [Anthony Alessi](#)
Subject: George Street incident
Date: Wednesday, April 11, 2018 10:31:33 AM

Tony, the incident report for the George St gas hit is currently being finalized. Cityworks # 24647 is the pertinent work order. All the relevant pictures have been uploaded to the work order as of 3/27. Per report, the gas was properly marked but the crew hit the line during the excavation. Apparently the line was laying virtually on top of our hydrant tee and directly behind the hydrant. The tight operating environment, adverse weather conditions and substantial work load (70+ leaks in 10 days) are mostly to blame. Gas crew had to run a bypass to keep the houses in-gas as temps during the period were very cold.

Leslie was given the hand-written incident earlier this week and should have the formalized document shortly.

Dennis

Tuesday, 17 April 2018 at 10:29 hours:

I sent the following e-mail with two (2) attached files: [2018-012 – National Fuel - Claim Data Sheet - As of 2018 04 17 at 1026 hours.pdf](#) and [..\2018-012 – National Fuel - 2018 04 16 - Notice of Claim.pdf](#):

From: Anthony Alessi
To: [Dennis Ball](#)
Cc: [Jennifer A. Runfola](#); [Margaret A. Murphy \(mmurphy@ecwa.org\)](#); [Trish Fabozzi](#)
Subject: ECWA Claim Number: 2018-012; Claimant: National Fuel Gas
Date: Tuesday, April 17, 2018 10:28:00 AM
Attachments: [2018-012 – National Fuel - Claim Data Sheet - As of 2018 04 17 at 1026 hours.pdf](#)
[2018-012 – National Fuel - 2018 04 16 - Notice of Claim.pdf](#)

Dennis,

Re: ECWA Claim Number: 2018-012
Claimant: National Fuel Gas
Date of Loss: Monday, 29 January 2018
Date of Notice: Monday, 16 April 2018
Location of Loss: 65 George Street
Depew, New York 14043
Claim Details: National Fuel Gas alleges, "Damage to Claimant's underground facilities occurred on January 29, 2018, at approximately 8: 17 p.m., at or near 65 George Street, Village of Depew, County of Erie and State of New York, when the Defendant was excavating, Defendant negligently and in violation of the law of trespass, General Business Law, inter alia, Article 36, Sections 760 - 765; Public Service Law, inter alia, Section 119-b; 16 N.Y.C.R.R. Part 753; 29 C.F.R. Sections 926.1, et. seq., caused damage to Claimant's natural gas line and the loss of gas."

I have attached my files for the above captioned alleged matter.

Please send me any and all information that you may have in regard to the above captioned alleged matter.

Thank you.

Very truly yours,

ERIE COUNTY WATER AUTHORITY

Anthony J. (Tony) Alessi
Claims Representative / Risk Manager
295 Main Street - Room 350
Buffalo, New York 14203
(716) 849-8477 - Direct Telephone
(716) 849-8463 - Fax
aalessi@ecwa.org - E-Mail

Thursday, 02 August 2018 at 09:36 hours:

[I sent the following e-mail:](#)

From: Anthony Alessi
To: [Jennifer A. Runfola](#)
Subject: ECWA Claim Number: 2018-012; Claimant: National Fuel Gas
Date: Thursday, August 2, 2018 9:35:00 AM

Hi Jennifer,

Re: ECWA Claim Number: 2018-012
Claimant: National Fuel Gas
Date of Loss: Monday, 29 January 2018
Date of Notice: Monday, 16 April 2018
Location of Loss: 65 George Street
Depew, New York 14043
Claim Details: National Fuel Gas alleges, "Damage to Claimant's underground facilities occurred on January 29, 2018, at approximately 8: 17 p.m., at or near 65 George Street, Village of Depew, County of Erie and State of New York, when the Defendant was excavating, Defendant negligently and in violation of the law of trespass, General Business Law, inter alia, Article 36, Sections 760 - 765; Public Service Law, inter alia, Section 119-b; 16 N.Y.C.R.R. Part 753; 29 C.F.R. Sections 926.1, et. seq., caused damage to Claimant's natural gas line and the loss of gas."

Please make arrangements for a 50-h hearing for the above captioned matter.

Thank you.

Very truly yours,

ERIE COUNTY WATER AUTHORITY

Anthony J. (Tony) Alessi
Claims Representative / Risk Manager
295 Main Street - Room 350
Buffalo, New York 14203
(716) 849-8477 - Direct Telephone
(716) 849-8463 - Fax
aalessi@ecwa.org - E-Mail

Monday, 01 October 2018 at 15:23 hours:

[I sent the following e-mail](#) with attached [2018-012 – National Fuel - Claim Data Sheet - As of 2018 10 01 at 1520 hours.pdf](#):

From: Anthony Alessi
To: [tgallagher_personal](#)
Subject: 2018-012 – National Fuel - Claim Data Sheet - As of 2018 10 01 at 1520 hours
Date: Monday, October 1, 2018 3:22:00 PM
Attachments: [2018-012 – National Fuel - Claim Data Sheet - As of 2018 10 01 at 1520 hours.pdf](#)

Tim,

Re: 2018-012 – National Fuel - Claim Data Sheet - As of 2018 10 01 at 1520 hours

Per your request, I have attached my file for the above captioned matter.

Very truly yours,

ERIE COUNTY WATER AUTHORITY

Anthony J. (Tony) Alessi
Claims Representative / Risk Manager
295 Main Street - Room 350
Buffalo, New York 14203
(716) 849-8477 - Direct Telephone
(716) 849-8463 - Fax
aalessi@ecwa.org - E-Mail

Friday, 19 October 2018 at 11:54 hours:

[I received the following e-mail:](#)

From: [Patrick Fellner](#)
To: [Anthony Alessi](#)
Subject: RE: NFG file # 2018-47149-01....George St Depew
Date: Friday, October 19, 2018 11:53:45 AM

Hi Tony. I am getting some heat on my end regarding this one. Can we get moving on this one? I think the 50h has to be served within so many days anyways. Hopefully we can cut to the chase on this one. As always, more than happy to go through it all with you. Thanks.

Friday, 30 November 2018 at 14:21 hours:

[I received the following e-mail with eleven \(11\) attached files:](#)

From: [Steven Denzler](#)
To: [Anthony Alessi](#)
Subject: Information on Cityworks Order #24647
Date: Friday, November 30, 2018 2:21:06 PM
Attachments: [Cityworks Comments - 24647.pdf](#)
[EC.docx](#)
[74.jpeg](#)
[73.jpeg](#)
[20180130_081127.jpg](#)
[20180130_081123.jpg](#)
[20180130_081112.jpg](#)
[20180130_081110.jpg](#)
[20180130_081105.jpg](#)
[65 George DPVL.pdf](#)
[Event Report 2018-01001.pdf](#)
[image003.png](#)

Hi Tony,

Information as requested. The photo suggests the waterline was in first, since a sane contractor would not install one under an existing gas main.

Hope this is helpful; have a nice weekend,
Steve



Steven W. Denzler, P.E., LEED BD&C
Distribution Engineer

Erie County Water Authority
3030 Union Road
Buffalo, New York 14227-1097
Direct: (716) 685-8227
Fax: (716) 684-3937
email: sdenzler@ecwa.org

Providing Water You Can Trust

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Cityworks | Home | Work Orders | Service Requests | Inspections | Recent | Home | Reports | Crew Manager

Work Order | Email | Print | Save | Close | Delete

Work Order

Description: Hydrant Remove

Entity Type: WHYDRANT

WO #: 24647

Category: Corrective

Status: Closed

Priority: Date Constrained

Req'd by Date: [Calendar]

Initiated By: NOLAN, RYAN P | Date: 01/24/2018 7:30 PM

Requested By: DUTY, HAN | Supervisor: SPEER, SCOTT

Submitted To: GABBEY, THOMAS J | Date: 01/29/2018 4:26 PM

Projected Start: 01/24/2018 7:30 PM | Projected Finish: 01/25/2018 7:30 PM

Opened By: GABBEY, THOMAS J | Date: 2/16/2018 1:15:24 PM

Completed By: GABBEY, THOMAS J

Actual Start: 01/29/2018 7:00 PM | Actual Finish: 01/30/2018 11:00 AM

Stage: Actual

Instructions:

Comments: 149 Comment

- PLARR, SPENCER C | 01/25/2018 7:00 AM | -Hydrant LOG AREA IS CALLED OOC DUE TO THE LEAK. PLEASE
- GABBEY, THOMAS J | 01/30/2018 11:41 AM | Hi two inch gas main that was marked, gas comp came had to run bypass mes to keep house with gas. they arrived at 8:00pm started digging at 1000pm they shut down main at 8:00am so we could dig our oak.
- GABBEY, THOMAS J | 01/30/2018 11:43 AM | out leak was circular at fee cut out hydrant installed 2 bytes and two feet of pipe. hydrant will be relocated. gas ran directly above out hydrant lee.
- GABBEY, THOMAS J | 01/30/2018 11:44 AM | gas company stayed on site after we left to finish repair and backfill
- WROBLEWSKI, JOSHUA | 02/13/2018 10:14 AM | ITEM 12489 CHANGED FROM WRONG LOCATION. MADE CRANKLE.
- WOREK, NICOLETTE F | 09/19/2018 11:24 AM | Changed to hydrant removal per 5.5per

On Hold Reason:

Resolution: Followup Work Not Req'd

Closed By: SPEER, SCOTT | Date: 2/16/2018 1:37:35 PM

Location Information

WO Address: LEE ST & GEORGE ST

Cross Streets & LEE ST & GEORGE ST Depew 14043

Location Details:

City: Depew | Plate: L09

Erie Co.'S ROW | Res'd Area: Area 1

X Location: 1,117,201.7 | Y Location: 1,065,716.96

Assets

Total Entries: 5

Asset	Asset ID	Location	Warranty Date	Work C
WHYDRANT	293507	1ST HYD N/O LEE ST		
WVALVE	11271	1.2' W/O #94 LEE ST		
WVALVE	11270	23.1' S/O #12 ALBERT ST		
WVALVE	11260	1.3' S/O GAR @ #15 GEORGE ST		
WVALVE	11272	51.5' E/O #6180 TRANSIT RD		

Map Layer Fields

Tasks

Seq#	Name	Description	Status	Per
1	Call4UPO	UPO - Submitt Job To Digtrack	COMPLETE	Tru
2	UTILLOCATE	Locate Utilities	COMPLETE	Tru
3	EXCAVATION	Excavation	COMPLETE	Tru
4	LOSP/L	Lead Spoil	COMPLETE	Tru
5	ISOLK	Isolate Leaks	COMPLETE	Tru
6	FINDASSET	Find And Identify Asset	COMPLETE	Tru
7	LEAK	Repair Leak	COMPLETE	Tru
8	BACKFILL	Backfill Excavation	COMPLETE	Tru
9	REST	Rough Grade/Cold Patch	COMPLETE	Tru
10	CREATERESTWO	Create Wo For Further Restoration (Spring)	COMPLETE	Tru

Work Cycle

Repeat: Never

Interval: 2 Months

From: Projected Start Date

Date Printed: 1/12/2018 | Next Print Date: 1/12/2018

Custom Fields

Category: Leak Work Order Fields

Failure Code: Crouzer

Restoration Required: Yes

Soil Type: Sand

Flood Description: ran into storm

Pipe Material: Cast Iron

Main Depth (ft): 4.5

Pipe Condition: Fair

Break Length:

Shoring Used: Yes

Shoring Removed: Yes

Shoring Pressure Test: Yes

Chlorine Test Free: Yes

Chlorine Test Combined: Yes

Chlorine Test Total: Yes

Compaction Used: No

Compaction Hours:

Spoil Loads: 1

Spoil Dump Location: Service Center

UPO: National Grid? No

UPO: NYSEG? No

UPO: Verizon? No

UPO: National Fuel? Yes

UPO: Other? No

UPO: Comments: hi 2" gas

Shutoff Required? Yes

SIC Date: 01/29/2018

SIC Time: 745am

TIC Date: 01/30/2018

TIC Time: 900am

Weather Conditions: Snow Heavy

Outside Temp: 22

#Hydrants Out: 2

#Customers Out: 34

Customers Notified? No

Customer Notification Comments:

Valve Information? Yes

Excavation Remarks/Comments: grass 20x30

Excavation Calibrates: grass 20x30

Shay Electric Near Workable? No

Shay Electric to Comments:

Comments:

Add Comment

Sort ▲

- ▶ **PLARR, SPENCER C** 01/25/2018 7:00 AM
- HYD# L09-A56A IS CALLED OOS DUE TO THIS LEAK. - PLEASE ...
- ▼ **GABBEY, THOMAS J** 01/30/2018 11:41 AM
hit two inch gas main that was marked. gas comp came had to run
bypass lines to keep house with gas. they arrived at 830pm started
digging at 1000pm. they shut down main at 800am so we could dig
our leak.
- ▼ **GABBEY, THOMAS J** 01/30/2018 11:43 AM
out leak was circular at tee cut out hydrant installed 2 hymax and
two feet of pipe. hydrant will be relocated. gas ran directly above out
hydrant tee.
- GABBEY, THOMAS J** 01/30/2018 11:44 AM
gas company stayed on site after we left to finish repair and backfil
- WROBLEWSKI, JOSHUA** 02/1/2018 10:14 AM
ITEM 12489 CHARGED FROM WRONG LOCATION. MADE CHANGE.
- NOREK, NICOLETTE F** 09/19/2018 11:24 AM
Changed to hydrant removal per S.Spier

On Hold Reason:

Resolution: Followup Work Not Req

Closed By: SPIER, SCOTT

Date: 2/16/2018 1:37:35 PM



Reset

SeqID	Name
1	Call4U
2	UTILI
3	EXCA
4	LDSPL
5	ISOLK
6	FINDA
7	LEAK
8	BACKI
9	REST
10	CREAT

Rep
Inter
Fr
Date Print



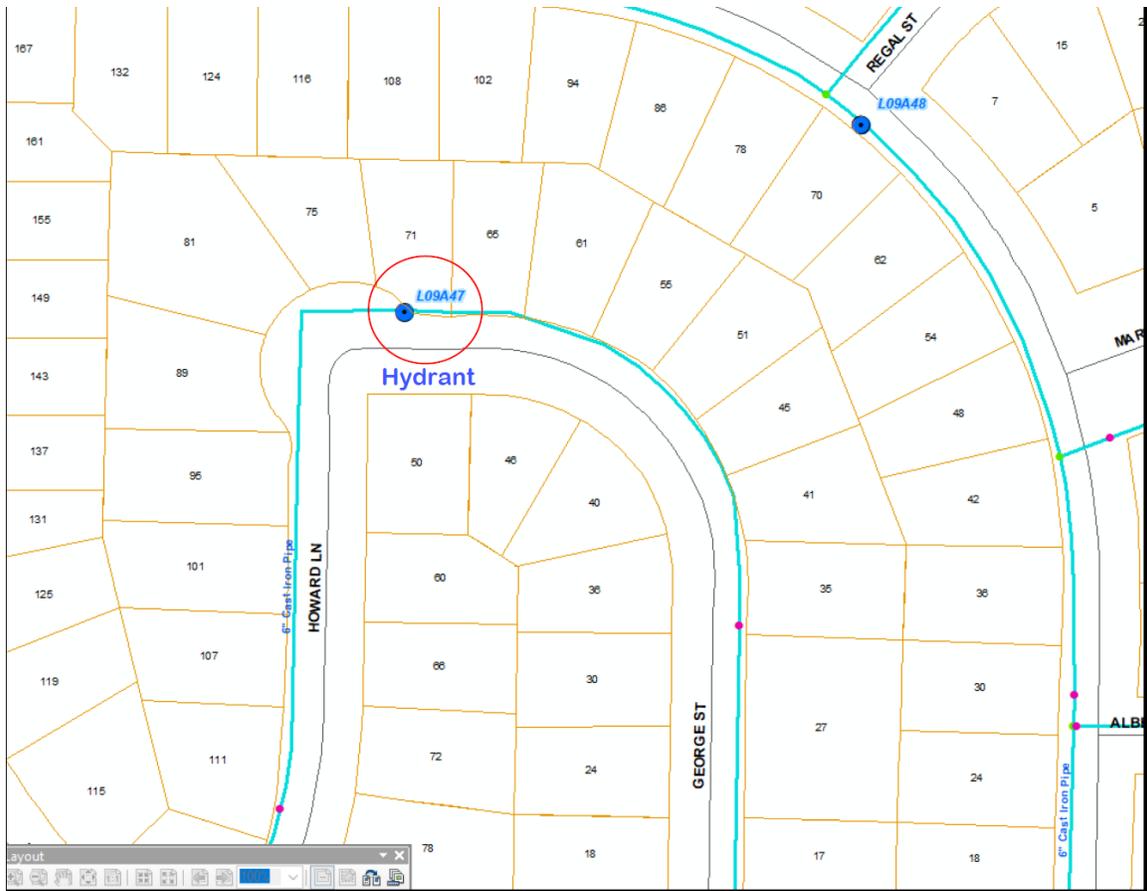












Erie County Water Authority

Event Report

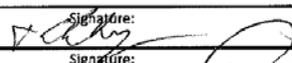
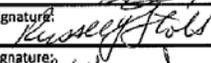
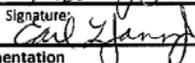
2018-01

Event Report No. 2018-01 (YYYY-##)

Department:	<input type="checkbox"/> Production	<input checked="" type="checkbox"/> Distribution	<input type="checkbox"/> Engineering	Other:
Location of Event:	Lee Street at the corner of George Street, Depew, NY			
Owner of Facility:	<input type="checkbox"/> Lease Managed	<input checked="" type="checkbox"/> ECWA	<input type="checkbox"/> VDW	<input type="checkbox"/> STPT Other:
Time Line:	Date of Event:	1/29/18	Time: 8:00 p.m.	
	Date Event Stabilized:	1/30/18	Time: 8:00 a.m.	
	Date Event Corrected:	1/30/18	Time: 8:00 a.m.	
Description of Event: (If applicable include ECWA work order and /or UFPO No.)	Detail Exact Nature of Event:			Photos: <input checked="" type="checkbox"/>
	Hit 2-inch gas main digging leak with Backhoe.			
	CW #: 24647			
	Detail Any Health or Safety Issues:			Contacted Coordinator of Employee Relations : <input type="checkbox"/>
	None			
	Personal Injury: <input type="checkbox"/>	Medical Attention Required: <input type="checkbox"/>		
Name(s)				
Detail any Regulatory Notifications:				
Personnel On Site: ECWA Lead Personnel on Site Progression to Management	ECWA Personnel:			
	Thomas Gabbey, Foreman David LaFalco, Operator Shane Good, Water Utility Worker Craig McCann, Water Utility Worker			
	Contractor(s):			
	Regulatory Personnel:			
	Other(s):			
Internal Notifications:	Name(s)	Date	Time	
	Bill Advey, General Foreman	1/29/18	8:00 p.m.	
	Ryan Nolan - Dispatch	1/29/18	8:00 p.m.	
External Notifications: (ECHD, DEC, Utility, Property Owner or Other)	Name(s)	Date	Time	
	National Fuel Gas	1/29/18	8:00 p.m.	

Erie County Water Authority Event Report

2018-01

Immediate Cause of Event: <small>Operational Examples: Power Failure, Natural Causes, Personnel, Utility Marked correctly Equipment Examples: Pump, Valve, Electrical</small>	Operational Failure:		
	Gas main was installed on top of watermain.		
	Equipment:		
	Backhoe 609		
Other:			
Corrective Action:	Describe Actions Taken to Correct the Cause of the Event:		
	Do more extensive probing and hand digging.		
Root Cause Analysis & Steps for Future Prevention:	Describe Root Cause of the Event:		
	Describe Operational Changes that Should Be Made to Correct the Cause of the Event:		
	Describe Safety Practice or Policy to Prevent Recurrence of the Event:		
Describe Engineer Control Changes that Should Be Made to Correct the Cause of the Event:			
Report Investigator:	Print Name Thomas Gabbey	Signature: 	Date: 1/30/18
Department Head:	Print Name Dennis Ball	Signature: 	Date: 3/7/18
Executive Engineer:	Print Name Russell J. Stoll	Signature: 	Date: 4/26/18
Executive Director:	Print Name Earl L. Jann, Jr.	Signature: 	Date: 4/27/18

Attach All Supporting Documentation
 Notify ECWA Claims Representative/Risk Manager Fax Number: 849-8480
 and Coordinator of Employee Relations Fax Number: 684-3937 within 24 Hours of an Event.

Friday, 30 November 2018 at 16:32 hours:

[I sent the following email:](#)

From: Anthony Alessi
To: [Steven Denzler](#)
Subject: RE: Information on Cityworks Order #24647
Date: Friday, November 30, 2018 4:31:00 PM
Attachments: [image001.png](#)

Steve,

Thank you very much for the information and the extremely fast turn-around-time – extremely helpful.

You have a great weekend – see you on the other side!

Tony

Friday, 30 November 2018 at 16:33 hours:

[I sent the following email:](#)

From: Anthony Alessi
To: [Mike McAuley](#)
Subject: ECWA Claim Number: 2018-012; Claimant: National Fuel Gas
Date: Friday, November 30, 2018 4:32:00 PM

Mike,

Re: ECWA Claim Number: 2018-012
Claimant: National Fuel Gas
Date of Loss: Monday, 29 January 2018
Date of Notice: Monday, 16 April 2018
Location of Loss: 65 George Street
Depew, New York 14043
Claim Details: National Fuel Gas alleges, "Damage to Claimant's underground facilities occurred on January 29, 2018, at approximately 8: 17 p.m., at or near 65 George Street, Village of Depew, County of Erie and State of New York, when the Defendant was excavating, Defendant negligently and in violation of the law of trespass, General Business Law, inter alia, Article 36, Sections 760 - 765; Public Service Law, inter alia, Section 119-b; 16 N.Y.C.R.R. Part 753; 29 C.F.R. Sections 926.1, et. seq ., caused damage to Claimant's natural gas line and the loss of gas."

Please send me the ECWA Detail Map(s) for the above captioned Location of Loss.

Thank you.

Very truly yours,

ERIE COUNTY WATER AUTHORITY

Anthony J. (Tony) Alessi
Claims Representative / Risk Manager
295 Main Street - Room 350
Buffalo, New York 14203
(716) 849-8477 - Direct Telephone
(716) 849-8463 - Fax
aalessi@ecwa.org - E-Mail

Monday, 03 December 2018 at 08:58 hours:

I received the following e-mail with attached [Detail Maps](#):

From: [Mike McAuley](#)
To: [Anthony Alessi](#)
Subject: RE: ECWA Claim Number: 2018-012; Claimant: National Fuel Gas
Date: Monday, December 3, 2018 8:58:23 AM
Attachments: [65 George Street DPVL.pdf](#)

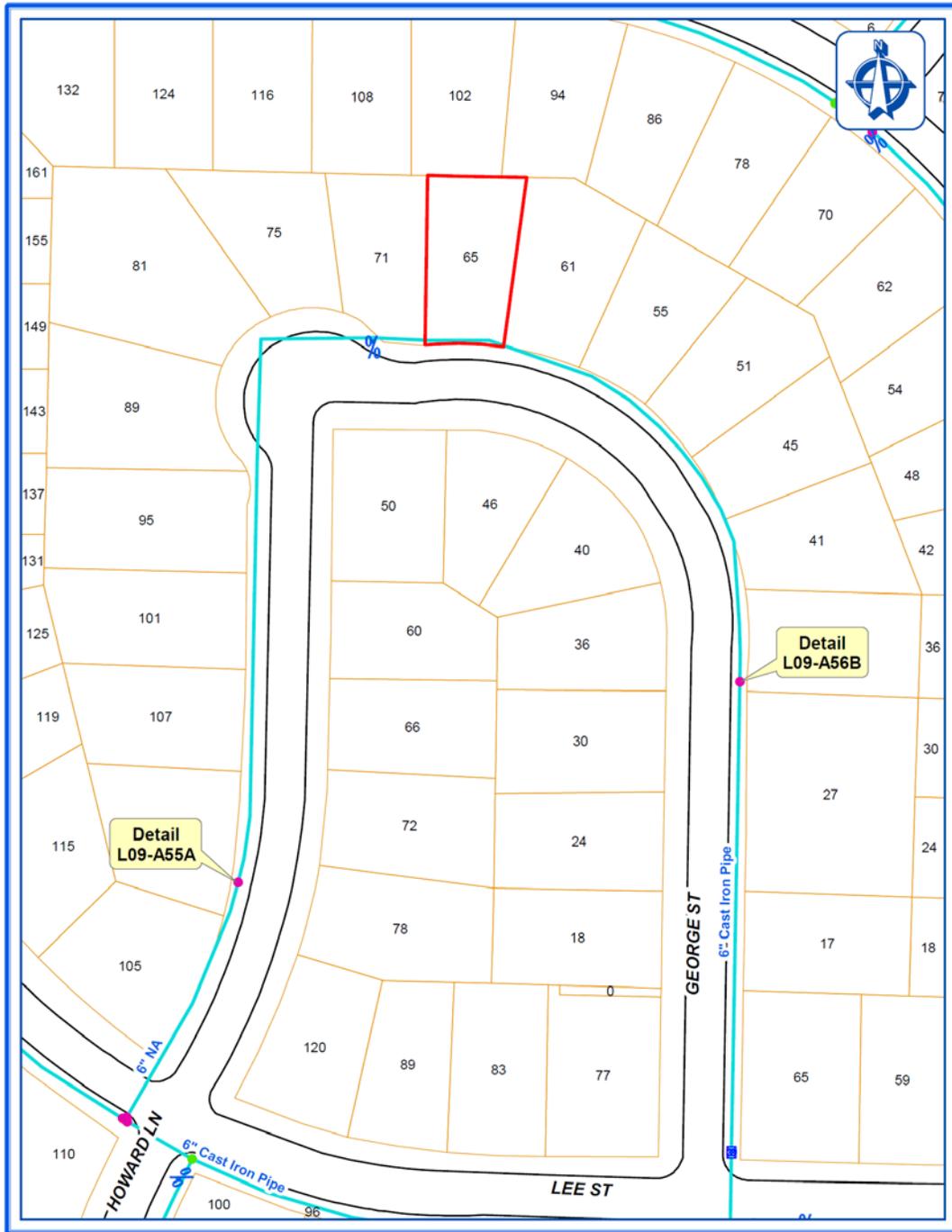
Tony,

Attached is a .pdf containing an overview map of 65 George St., DPVL and 2 of the surrounding detail sheets.

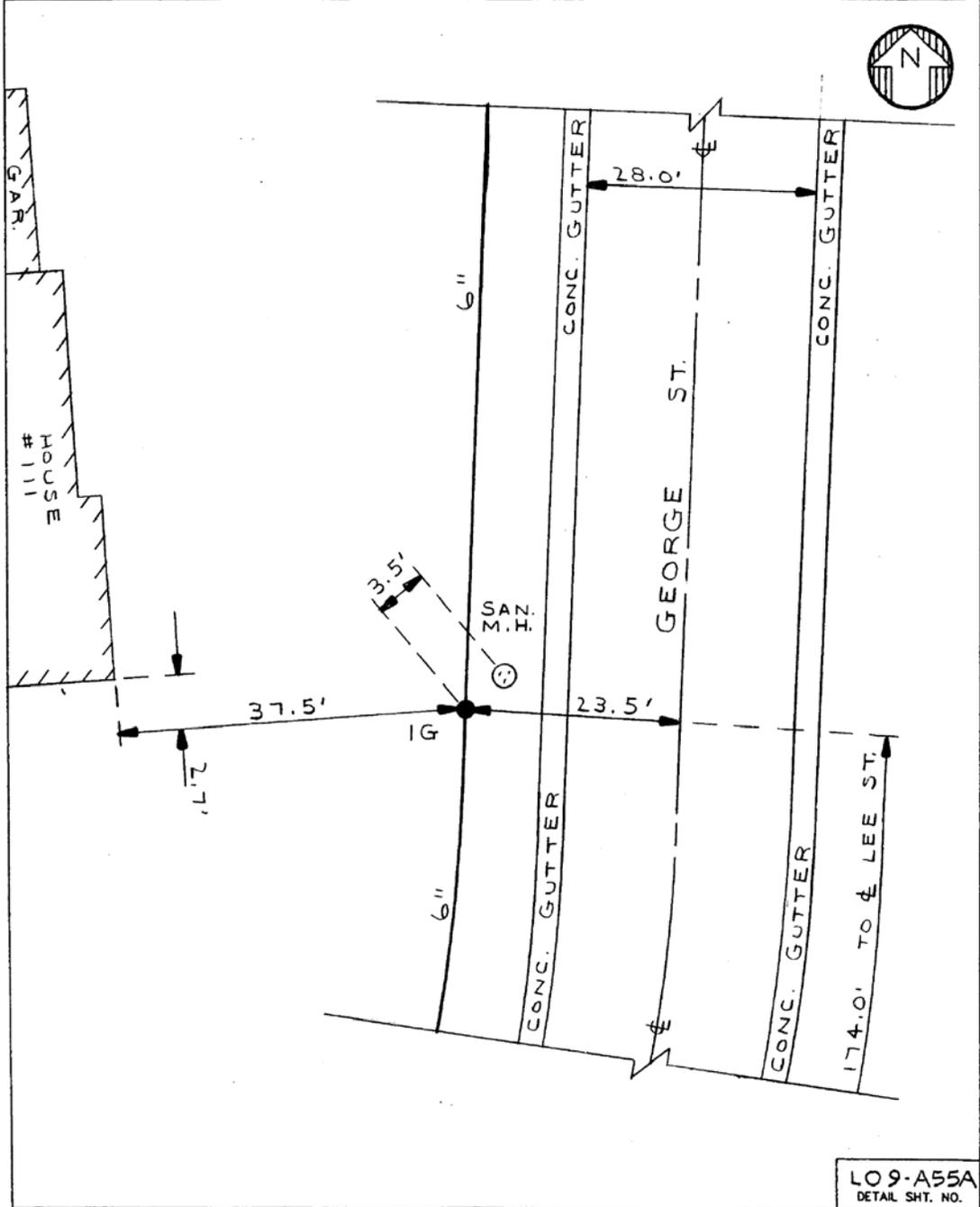
If you need any additional information, feel free to contact me.

Mike McAuley
GIS Analyst
[Erie County Water Authority](#)
3030 Union Road
Cheektowaga, New York 14227
(716) 685-8539
mmcauley@ecwa.org

65 George Street, Depew, New York



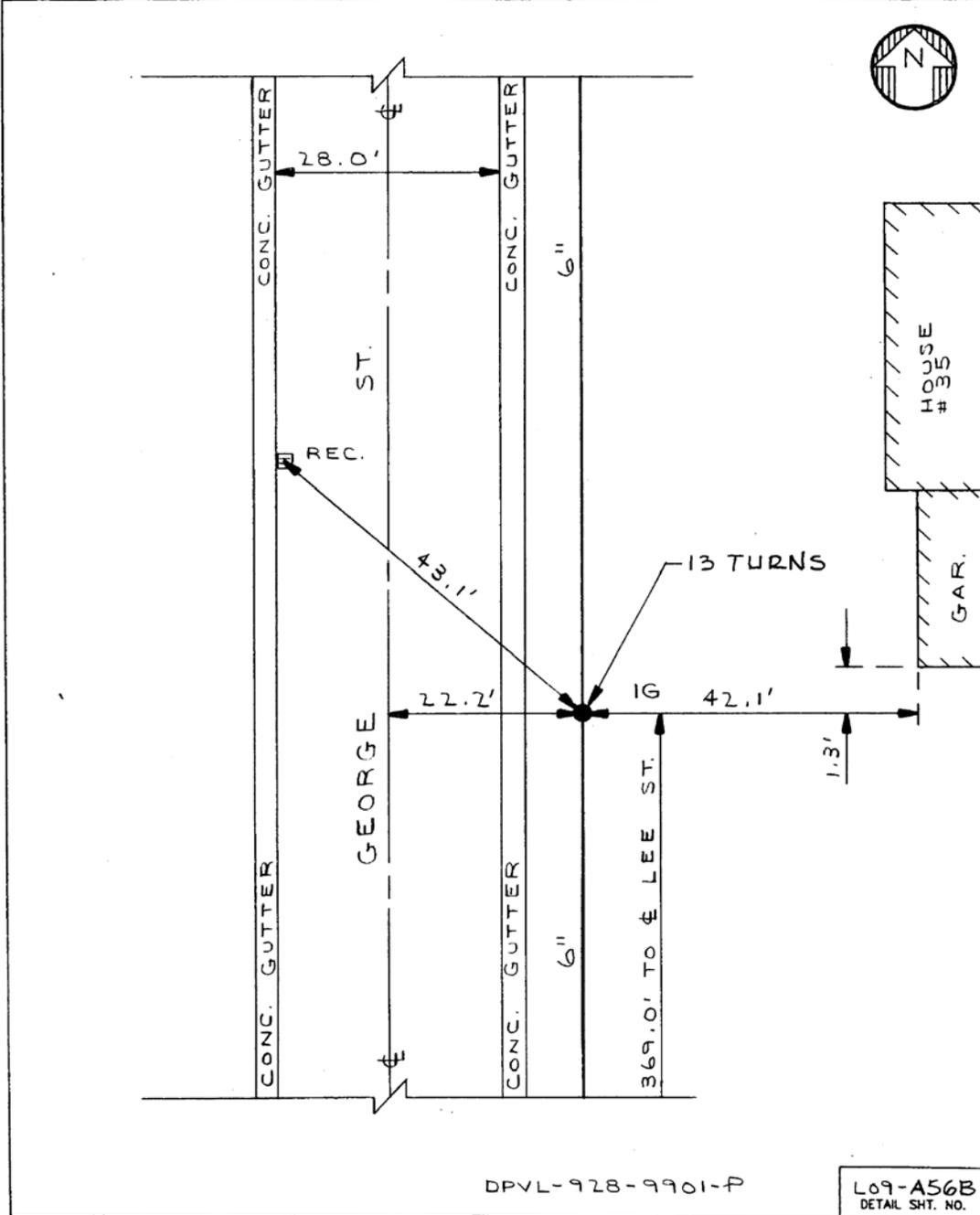
 ERIE COUNTY WATER AUTHORITY BUFFALO, NEW YORK	DR. D.K.C. DATE: 6.23.99	REVISED DR. DATE:	VILL. OF DEPEW E.C.W.A.	L09-A55A DETAIL NO.(NTS)
	FIELD	OFFICE		199900134 CURRENT PROJECT NO



L09-A55A
 DETAIL SHT. NO.

MASTER COPY

EC WA	ERIE COUNTY WATER AUTHORITY BUFFALO, NEW YORK	DR. D.K.C. DATE: 6.23.99	REVISED DR. DATE:	VILL. OF DEPEW E.C.W.A.	L09-A56B DETAIL NO.(NTS) 199900134 CURRENT PROJECT NO
		FIELD	OFFICE		



MASTER COPY

Monday, 03 December 2018 at 09:37 hours:

[I sent the following e-mail:](#)

From: Anthony Alessi
To: [Mike McAuley](#)
Subject: RE: ECWA Claim Number: 2018-012; Claimant: National Fuel Gas
Date: Monday, December 3, 2018 9:37:00 AM

Good Morning Mike,

Thank you very much for your quick response, it is greatly appreciated!

Very truly yours,

ERIE COUNTY WATER AUTHORITY

Anthony J. (Tony) Alessi
Claims Representative / Risk Manager
295 Main Street - Room 350
Buffalo, New York 14203
(716) 849-8477 - Direct Telephone
(716) 849-8463 - Fax
aalessi@ecwa.org - E-Mail

Tuesday, 15 January 2019 at 09:55 hours:

I sent the following e-mail with attached [2018-012 – National Fuel - Claim Data Sheet - As of 2019.01.15 at 0952 hours.pdf](#):

From: Anthony Alessi
To: [tqallagher_personal](#)
Subject: ECWA Claim Number:2018-012; Claimant: National Fuel Gas
Date: Tuesday, January 15, 2019 9:55:00 AM
Attachments: [2018-012 – National Fuel - Claim Data Sheet - As of 2019.01.15 at 0952 hours.pdf](#)

Tim,

Re: ECWA Claim Number: 2018-012
Claimant: National Fuel Gas
Date of Loss: Monday, 29 January 2018
Date of Notice: Monday, 16 April 2018
Location of Loss: 65 George Street
Depew, New York 14043
Claim Details: National Fuel Gas alleges, "Damage to Claimant's underground facilities occurred on January 29, 2018, at approximately 8: 17 p.m., at or near 65 George Street, Village of Depew, County of Erie and State of New York, when the Defendant was excavating, Defendant negligently and in violation of the law of trespass, General Business Law, inter alia, Article 36, Sections 760 - 765; Public Service Law, inter alia, Section 119-b; 16 N.Y.C.R.R. Part 753; 29 C.F.R. Sections 926.1, et. seq., caused damage to Claimant's natural gas line and the loss of gas."

I received a telephone call today, Tuesday, January 15, 2019 at 09:19 hours, from Pat Fellner at National Fuel Gas.

He would like to resolve this claim prior to filing suit.

Please review the file and get back to me as soon as possible.

He would appreciate a response from us by the end of the day.

Very truly yours,

ERIE COUNTY WATER AUTHORITY

Anthony J. (Tony) Alessi
Claims Representative / Risk Manager
295 Main Street - Room 350
Buffalo, New York 14203
(716) 849-8477 - Direct Telephone
(716) 849-8463 - Fax
aalessi@ecwa.org - E-Mail

Wednesday, 16 January 2019 at 14:36 hours:

I received a telephone call from Pat Fellner at National Fuel. He stated that he had reviewed the photos and spoke with their crew again. He advised that the best he could do it take off \$4,000,00 if he didn't have to bring the claim to suit. I advised Pat that I would discuss with Authority personnel and get back to him.

Thursday, 17 January 2019 at 10:03 hours:

[I sent the following e-mail](#) with attached [2018-012 – National Fuel - Claim Data Sheet - As of 2019 01 17 at 0940 hours.pdf](#):

From: Anthony Alessi
To: [Dennis Ball](#)
Cc: [fgallagher_personal](#)
Subject: ECWA Claim Number: 2018-012; Claimant: National Fuel Gas
Date: Thursday, January 17, 2019 10:03:00 AM
Attachments: [2018-012 – National Fuel - Claim Data Sheet - As of 2019 01 17 at 0940 hours.pdf](#)

Dennis,

Re: ECWA Claim Number: 2018-012
Claimant: National Fuel Gas
Date of Loss: Monday, 29 January 2018
Date of Notice: Monday, 16 April 2018
Location of Loss: 65 George Street
Depew, New York 14043
Claim Details: National Fuel Gas alleges, "Damage to Claimant's underground facilities occurred on January 29, 2018, at approximately 8: 17 p.m., at or near 65 George Street, Village of Depew, County of Erie and State of New York, when the Defendant was excavating, Defendant negligently and in violation of the law of trespass, General Business Law, inter alia, Article 36, Sections 760 - 765; Public Service Law, inter alia, Section 119-b; 16 N.Y.C.R.R. Part 753; 29 C.F.R. Sections 926.1, et. seq., caused damage to Claimant's natural gas line and the loss of gas."

We have been going back and forth with National Fuel trying to resolve this matter.

Please call me after you review the attached file.

Thank you.

Very truly yours,

ERIE COUNTY WATER AUTHORITY

Anthony J. (Tony) Alessi
Claims Representative / Risk Manager
295 Main Street - Room 350
Buffalo, New York 14203
(716) 849-8477 - Direct Telephone
(716) 849-8463 - Fax
aalessi@ecwa.org - E-Mail

Thursday, 17 January 2019 at 15:34 hours:

[I received the following e-mail:](#)

From: [Dennis Ball](#)
To: [Anthony Alessi](#)
Subject: RE: ECWA Claim Number: 2018-012; Claimant: National Fuel Gas
Date: Thursday, January 17, 2019 3:33:35 PM

Tony, per our conversation regarding the incident at 65 George St, Depew on 1/29/18, my formal opinion is that we should not further contest this claim. Apparently National Fuel had properly located and marked their underground facilities prior to our excavation and the crew accidentally snagged their gas main with the backhoe during the repair process. While I do not easily dismiss the accident, I believe there were several contributing factors, most notably being the location of the gas main directly over our water main. During normal operating conditions, this would not pose a major problem. However, in January of 2018, we were experiencing an unusually severe batch of weather-related leaks. Our crews were literally running on empty and the leaks just kept coming. In our haste to knock off the maximum number of active leaks per shift, our crews were forced to proceed at a brisker pace than might otherwise be prudent. With the gas line located directly above our main, the correct course of action would have been to probe for the gas main and hand-dig much of the excavation. Being a very time-consuming operation and multiple leak repairs waiting in the queue, the crew opted to dig as "delicately" as possible with the backhoe in the hard frozen soil. Unfortunately in doing so, they intercepted the National Fuel gas main thus causing the leak. Our crews are regularly trained-on and reminded of the dangers of excavating near other utilities, especially natural gas and buried electric. Our line maintenance management does not lightly brush off this incident and continually works with the crews to avoid future incidents.

Please let me know if you need further information.

Dennis Ball
Director of Operations
ECWA

Friday, 18 January 2019 at 12:50 hours:

[I sent the following e-mail:](#)

From: Anthony Alessi
To: [tgallagher_personal](#)
Subject: FW: ECWA Claim Number: 2018-012; Claimant: National Fuel Gas
Date: Friday, January 18, 2019 12:50:00 PM

Tim,

On Wednesday, 16 January 2019 at 14:36 hours, I received a telephone call from Pat Fellner at National Fuel. He stated that he had reviewed the photos and spoke with their crew again. He advised that the best he could do it take off \$4,000,00 if he didn't have to bring the claim to suit. I advised Pat that I would discuss with Authority personnel and get back to him.

Based on my discussion with Pat Fellner and the below provided by Dennis Ball, I believe that it would be in the best interests of the Authority to settle the claim. (\$15,812.48 - \$4,000 = \$11,812.48)

Please advise if you concur.

Thank you.

Very truly yours,

ERIE COUNTY WATER AUTHORITY

Anthony J. (Tony) Alessi
Claims Representative / Risk Manager
295 Main Street - Room 350
Buffalo, New York 14203
(716) 849-8477 - Direct Telephone
(716) 849-8463 - Fax
aalessi@ecwa.org - E-Mail

Wednesday, 23 January 2019 at 13:53 hours:

[I sent the following e-mail](#) with attached [..\2018-012 - National Fuel - E-Mail\20190123131708933.pdf](#):

From: Anthony Alessi
To: ["Patrick Fellner"](#)
Subject: ECWA Claim Number: 2018-012
Date: Wednesday, January 23, 2019 1:52:00 PM
Attachments: [20190123131708933.pdf](#)

Hello Pat,

Re: ECWA Claim Number: 2018-012
Claimant: National Fuel Gas
NFG Claim Number: 2018-47149-01
NFG File Number: 70016651
NFG Invoice Number: 2018-47149-01
Date of Loss: Monday, 29 January 2018
Date of Notice: Monday, 16 April 2018
**Location of Loss: 65 George Street
Depew, New York 14043**

Claim Details: National Fuel Gas alleges, "Damage to Claimant's underground facilities occurred on January 29, 2018, at approximately 8:17 p.m., at or near 65 George Street, Village of Depew, County of Erie and State of New York, when the Defendant was excavating, Defendant negligently and in violation of the law of trespass, General Business Law, inter alia, Article 36, Sections 760 - 765; Public Service Law, inter alia, Section 119-b; 16 N.Y.C.R.R. Part 753; 29 C.F.R. Sections 926.1, et. seq., caused damage to Claimant's natural gas line and the loss of gas."

I have attached a copy of the letter that will be mailed out today to you.

Very truly yours,

ERIE COUNTY WATER AUTHORITY

Anthony J. (Tony) Alessi
Claims Representative / Risk Manager
295 Main Street - Room 350
Buffalo, New York 14203
(716) 849-8477 - Direct Telephone
(716) 849-8463 - Fax
aalessi@ecwa.org - E-Mail

Wednesday, 23 January 2019 at 13:55 hours:

[I received the following e-mail:](#)

From: [Patrick Fellner](#)
To: [Anthony Alessi](#)
Subject: RE: ECWA Claim Number: 2018-012
Date: Wednesday, January 23, 2019 1:55:08 PM

Thanks Tony.



Erie County Water Authority

295 Main Street • Room 350 • Buffalo, NY 14203-2494
716-849-8484 • Fax 716-849-8463

Legal Department

January 23, 2019

Patrick F. Fellner
Assistant General Manager
Risk Management Department
National Fuel
63636 Main Street
Williamsville, New York 14221

Dear Mr. Fellner:

Re: ECWA Claim No: 2018-012
Location of Loss: 65 George Street, Depew, NY
Date of Loss: 1/29/18

We are in receipt of your Notice of Claim served on the Erie County Water Authority April 16, 2018 concerning damage caused to your utility line at or near 65 George Street, Depew, New York. After a review of our file and conversations between myself, Mr. Alessi and National Fuel, the Authority is in a position to settle this claim per our discussions, in the amount of \$11,812.48.

To that end, please forward an amended bill reflecting the agreed upon amount of \$11,812.48 as well as a general release. Once this matter is approved by the Board of Commissioners we will process this claim and send payment to you.

Very truly yours,

ERIE COUNTY WATER AUTHORITY

A handwritten signature in blue ink, appearing to read "Timothy D. Gallagher".

Timothy D. Gallagher
Associate Attorney

TDG:slz
Cc: Anthony Alessi, Claims Rep
Risk Manager

Thursday, 24 January 2019 at 08:21 hours:

[I received the following e-mail](#) with attached [..\2018-012 – National Fuel - E-Mail\ECWA Revised Invoice.pdf](#):

From: [Patrick Fellner](#)
To: [Anthony Alessi](#)
Subject: FW: ECWA - Revised Invoice 2018-47149-01
Date: Thursday, January 24, 2019 8:21:13 AM
Attachments: [ECWA Revised Invoice.pdf](#)

Thanks Again Tony for getting this resolved finally!!
Please send me the release and we will sign and return.



ERIE COUNTY WATER AUTHORITY
295 MAIN STREET, ROOM 350
BUFFALO, NY 14203

Date of Loss : 1/29/2018 8:27:00 PM
Location : 65 LEE ST
Pipe Size : 2 In.
Facility : Main

<u>Labor Employee #</u>	<u>Labor Amount</u>
20246	\$260.24
20253	\$376.78
20395	\$260.24
60360	\$496.85
60493	\$496.85
60584	\$372.31
60627	\$377.34
60833	\$147.23
60887	\$376.78
60925	\$1,127.18
60948	\$376.78
20394	\$1,133.83
60520	\$1,478.36
61019	\$1,131.80
60562	\$63.51
SUPEX	\$1,158.68
OVERH	\$1,021.88

<u>Material Description</u>	<u>Amount Billed</u>
001 MATERIAL-STOCK 1502077 GLOVES LEATHER SAFETY CUF	\$11.74
001 MATERIAL-STOCK 4004332 CUT RESISTANT GLOVES HEAVY	\$73.52
001 MATERIAL-STOCK 4521348 CUTTER WHEEL TO CUT STEEL/	\$85.43
001 MATERIAL-STOCK 5007254 3" PIPE PLASTIC HDPE40 F	\$16.54
001 MATERIAL-STOCK 5007521 2" PIPE PLASTIC 40 FT JOI	\$25.89
001 MATERIAL-STOCK 5804582 2 ELEC FUS CPLG_PLT.	\$22.36
001 MATERIAL-STOCK 5804612 3 ELEC FUS CPLG_PLT.	\$34.60
001 MATERIAL-STOCK 5804612 3 ELEC FUS CPLG_PLT.	\$69.20
001 MATERIAL-STOCK 5830823 TEE BUTT FUSE 3 IPS HDPE	\$11.39
001 MATERIAL-STOCK 5900808 3 X 7 DIST LINE MARKER WHIT	\$49.24
001 MATERIAL-STOCK 5900832 2" PIG WHITESKIN SDR 11 PLT	\$35.49
001 MATERIAL-STOCK 5904418 3"PE WHITW SKIN PIG/N01-1	\$35.49
001 MATERIAL-STOCK 6003389 WIRE COPPER-CLAD STEEL POLY	\$3.16
001 MATERIAL-STOCK 6003976 CONNECTOR TRACER WIRE (315	\$2.86

<u>Equipment Description</u>	<u>Amount Billed</u>
011 DIR VEH & TOOLS	\$446.93

<u>General Description</u>	<u>Amount Billed</u>
RESTORATION ODER 964674	\$1,276.80
RESTORATION ORDER964676	\$480.00

<u>Minutes Blowing</u>	<u>CCF</u>	
660.0	3640	\$2,475.20

Total Due =	\$15,812.48
Less Negotiated =	\$4,000.00



National Fuel

01/24/2019

Balance Due = \$11,812.48

PLEASE REFER TO FILE # : 70016651 ON ALL CORRESPONDENCE

PLEASE DETACH THIS PORTION AND RETURN WITH YOUR PAYMENT

CLAIM # : 2018-47149-01 NFG FILE # : 70016651 AMOUNT: \$11,812.48

REMIT PAYMENT
WITHIN 30 DAYS
TO:

NATIONAL FUEL
FINANCE DEPARTMENT
Patrick Fellner
6363 Main Street
Williamsville, NY 14221-5887
(716) 857-6920

Friday, 25 January 2019 at 14:03 hours:

I sent the following e-mail with two (2) attached documents:

- 1.) [..\2018-012 – National Fuel - 2019 01 25 - Request for Approval of Payment.pdf](#) and
- 2.) [2018-012 – National Fuel - Claim Data Sheet - As of 2019 01 25 at 1400 hours.pdf](#)

From: Anthony Alessi
To: [Margaret Murphy](#)
Cc: [Shari Zaidel](#); [tgallagher_personal](#)
Subject: ECWA Claim Number: 2018-012| Claimant: National Fuel Gas
Date: Friday, January 25, 2019 2:02:00 PM
Attachments: [2018-012 – National Fuel - 2019 01 25 - Request for Approval of Payment.pdf](#)
[2018-012 – National Fuel - Claim Data Sheet - As of 2019 01 25 at 1400 hours.pdf](#)

Good Afternoon Margaret,

Re: Subject: ECWA Claim Number: 2018-012
Claimant: National Fuel Gas

National Fuel Gas alleges, "Damage to Claimant's underground facilities occurred on January 29, 2018, at approximately 8: 17 p.m., at or near 65 George Street, Village of Depew, County of Erie and State of New York, when the Defendant was excavating, Defendant negligently and in violation of the law of trespass, General Business Law, inter alia, Article 36, Sections 760 - 765; Public Service Law, inter alia, Section 119-b; 16 N.Y.C.R.R. Part 753; 29 C.F.R. Sections 926.1, et. seq., caused damage to Claimant's natural gas line and the loss of gas."

We have completed our investigation of the above captioned claim and have determined that this is a legitimate claim based on the facts and occurrences of this incident.

The initial claim was for \$15,812.48. The above referenced matter has agreed to be settled in the amount of \$11,812.48.

I have attached the necessary documents for your review and processing of the \$11,812.48. payment to NATIONAL FUEL, FINANCE DEPARTMENT, Patrick Fellner, 6363 Main Street, Williamsville, NY 14221-5887, upon the execution and return of the ECWA General Release form.

Very truly yours,

ERIE COUNTY WATER AUTHORITY

Anthony J. (Tony) Alessi
Claims Representative / Risk Manager
295 Main Street - Room 350
Buffalo, New York 14203
(716) 849-8477 - Direct Telephone
(716) 849-8463 - Fax
aalessi@ecwa.org - E-Mail



ERIE COUNTY WATER AUTHORITY

INTEROFFICE MEMORANDUM

Friday, January 25, 2019

To: Margaret Murphy, Attorney

From: Tony Alessi, Claims Representative / Risk Manager 
Tim Gallagher, Associate Attorney 

Subject: ECWA Claim Number: 2018-012
Claimant: National Fuel Gas
NFG Claim Number: 2018-47149-01
NFG File Number: 70016651
NFG Invoice Number: 2018-47149-01
Date of Loss: Monday, 29 January 2018
Date of Notice: Monday, 16 April 2018
Location of Loss: 65 George Street
Depew, New York 14043
Claim Details: National Fuel Gas alleges, "Damage to Claimant's underground facilities occurred on January 29, 2018, at approximately 8: 17 p.m., at or near 65 George Street, Village of Depew, County of Erie and State of New York, when the Defendant was excavating, Defendant negligently and in violation of the law of trespass, General Business Law, inter alia, Article 36, Sections 760 - 765; Public Service Law, inter alia, Section 119-b; 16 N.Y.C.R.R. Part 753; 29 C.F.R. Sections 926.1, et. seq., caused damage to Claimant's natural gas line and the loss of gas."

We have completed our investigation of the above captioned claim and have determined that this is a legitimate claim based on the facts and occurrences of this incident.

The initial claim was for **\$15,812.48**. The above referenced matter has agreed to be settled in the amount of **\$11,812.48**.

I have attached the necessary documents for your review and processing of the **\$11,812.48** payment to NATIONAL FUEL, FINANCE DEPARTMENT, Patrick Fellner, 6363 Main Street, Williamsville, NY 14221-5887, upon the execution and return of the ECWA General Release form.

Please approve for payment.

Margaret Murphy, Attorney



INVOICE	PIPELINE DAMAGE	2018-47149-01
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ERIE COUNTY WATER AUTHORITY
 295 MAIN STREET, ROOM 350
 BUFFALO, NY 14203

Date of Loss : 1/29/2018 8:27:00 PM
 Location : 65 LEE ST
 Pipe Size : 2 In.
 Facility : Main

<u>Labor Employee #</u>	<u>Labor Amount</u>
20246	\$260.24
20253	\$376.78
20395	\$260.24
60360	\$496.85
60493	\$496.85
60584	\$372.31
60627	\$377.34
60833	\$147.23
60887	\$376.78
60925	\$1,127.18
60948	\$376.78
20394	\$1,133.83
60520	\$1,478.36
61019	\$1,131.80
60562	\$63.51
SUPEX	\$1,158.68
OVERH	\$1,021.88

<u>Material Description</u>	<u>Amount Billed</u>
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001 MATERIAL-STOCK 4004332 CUT RESISTANT GLOVES HEAVY	\$73.52
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001 MATERIAL-STOCK 5007521 2" PIPE PLASTIC 40 FT JOI	\$25.89
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001 MATERIAL-STOCK 5804612 3 ELEC FUS CPLG_PLT.	\$34.60
001 MATERIAL-STOCK 5804612 3 ELEC FUS CPLG_PLT.	\$69.20
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<u>Equipment Description</u>	<u>Amount Billed</u>
011 DIR VEH & TOOLS	\$446.93

<u>General Description</u>	<u>Amount Billed</u>
RESTORATION ODER 964674	\$1,276.80
RESTORATION ORDER964676	\$480.00

<u>Minutes Blowing</u>	<u>CCF</u>	
660.0	3640	\$2,475.20
Total Due =		\$15,812.48
Total Paid =		\$0.00



04/13/2018

Balance Due = \$15,812.48

PLEASE REFER TO FILE # : 70016651 ON ALL CORRESPONDENCE

PLEASE DETACH THIS PORTION AND RETURN WITH YOUR PAYMENT

CLAIM # : 2018-47149-01 NFG FILE # : 70016651 AMOUNT: \$15,812.48

REMIT PAYMENT
WITHIN 30 DAYS
TO:

NATIONAL FUEL
FINANCE DEPARTMENT
Patrick Fellner
6363 Main Street
Williamsville, NY 14221-5887
(716) 857-6920



ERIE COUNTY WATER AUTHORITY
295 MAIN STREET, ROOM 350
BUFFALO, NY 14203

Date of Loss : 1/29/2018 8:27:00 PM
Location : 65 LEE ST
Pipe Size : 2 In.
Facility : Main

<u>Labor Employee #</u>	<u>Labor Amount</u>
20246	\$260.24
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60360	\$496.85
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001 MATERIAL-STOCK 5904418 3"PE WHITW SKIN PIGP/N01-1	\$35.49
001 MATERIAL-STOCK 6003389 WIRE COPPER-CLAD STEEL POLY	\$3.16
001 MATERIAL-STOCK 6003976 CONNECTOR TRACER WIRE (315	\$2.86

<u>Equipment Description</u>	<u>Amount Billed</u>
011 DIR VEH & TOOLS	\$446.93

<u>General Description</u>	<u>Amount Billed</u>
RESTORATION ODER 964674	\$1,276.80
RESTORATION ORDER964676	\$480.00

<u>Minutes Blowing</u>	<u>CCF</u>	
660.0	3640	\$2,475.20

Total Due =	\$15,812.48
Less Negotiated =	\$4,000.00



National Fuel

01/24/2019

Balance Due = \$11,812.48

PLEASE REFER TO FILE # : 70016651 ON ALL CORRESPONDENCE

PLEASE DETACH THIS PORTION AND RETURN WITH YOUR PAYMENT

CLAIM # : 2018-47149-01 NFG FILE # : 70016651 AMOUNT: \$11,812.48

REMIT PAYMENT
WITHIN 30 DAYS
TO:

NATIONAL FUEL
FINANCE DEPARTMENT
Patrick Fellner
6363 Main Street
Williamsville, NY 14221-5887
(716) 857-6920



ERIE COUNTY WATER AUTHORITY
INTEROFFICE MEMORANDUM

Friday, January 25, 2019

To: Margaret Murphy, Attorney

From: Tony Alessi, Claims Representative / Risk Manager *TA*
Tim Gallagher, Associate Attorney *TG*

Subject: ECWA Claim Number: 2018-012
Claimant: National Fuel Gas
NFG Claim Number: 2018-47149-01
NFG File Number: 70016651
NFG Invoice Number: 2018-47149-01
Date of Loss: Monday, 29 January 2018
Date of Notice: Monday, 16 April 2018
Location of Loss: 65 George Street
Depew, New York 14043
Claim Details: National Fuel Gas alleges, "Damage to Claimant's underground facilities occurred on January 29, 2018, at approximately 8: 17 p.m., at or near 65 George Street, Village of Depew, County of Erie and State of New York, when the Defendant was excavating, Defendant negligently and in violation of the law of trespass, General Business Law, inter alia, Article 36, Sections 760 - 765; Public Service Law, inter alia, Section 119-b; 16 N.Y.C.R.R. Part 753; 29 C.F.R. Sections 926.1, et. seq., caused damage to Claimant's natural gas line and the loss of gas."

We have completed our investigation of the above captioned claim and have determined that this is a legitimate claim based on the facts and occurrences of this incident.

The initial claim was for **\$15,812.48**. The above referenced matter has agreed to be settled in the amount of **\$11,812.48**.

I have attached the necessary documents for your review and processing of the **\$11,812.48** payment to NATIONAL FUEL, FINANCE DEPARTMENT, Patrick Fellner, 6363 Main Street, Williamsville, NY 14221-5887, upon the execution and return of the ECWA General Release form.

Please approve for payment.

Margaret A Murphy
Margaret Murphy, Attorney

Friday, 01 February 2019 at 14:50 hours:

I mailed the following [Cover Letter and ECWA General Release Form](#):



Erie County Water Authority

295 Main Street, Rm. 350 • Buffalo, NY 14203-2494
716-849-8484 • Fax 716-849-8467

February 1, 2019

National Fuel Finance Department
Mr. Patrick Fellner
6363 Main Street
Williamsville, NY 14221-5887

Re: NFG Claim No: 2018-47149-01
ECWA Claim No: 2018-012
65 George Street
Depew, New York 14043

Dear Mr. Fellner:

I am in receipt of the property damage claim submitted with the Erie County Water Authority.

I have reviewed your claim and I am providing you with a General Release form that you must complete, in the presence of a Notary Public, and return to me prior to the Authority releasing any funds.

Please let me know if you should have any questions or require any additional information.

Very truly yours,

ERIE COUNTY WATER AUTHORITY

A handwritten signature in blue ink, appearing to read "AJ Alessi".

Anthony J. Alessi
Claims Representative/Risk Manager
Direct telephone number: (716) 849-8477
Fax: (716) 849-8463
Email: aalessi@ecwa.org

AJA:kzs
Enclosure



GENERAL RELEASE

Subject: ECWA Claim Number: 2018-012
Claimant Name: National Fuel Gas

ECWA Claim Number: 2018-012
Claimant: National Fuel Gas
NFG Claim Number: 2018-47149-01
NFG File Number: 70016651
NFG Invoice Number: 2018-47149-01
Date of Loss: Monday, 29 January 2018
Date of Notice: Monday, 16 April 2018
Location of Loss: 65 George Street
Depew, New York 14043

KNOW YE, that **National Fuel Gas, in care of Mr. Patrick Fellner** ("RELEASOR"), for and in consideration of the sum of ELEVEN THOUSAND EIGHT HUNDRED TWELVE DOLLARS AND FORTY-EIGHT CENTS (\$11,812.48) lawful money of the United States of America to it in-hand paid by ERIE COUNTY WATER AUTHORITY ("RELEASEE"), the receipt whereof is hereby acknowledged, has remised, released and forever discharged and by these presents, does for itself, its successors and assigns, heirs, executors and administrators, remise, release and forever discharge RELEASEE, its successors and assigns, heirs, executors and administrators, of and from all, and all manner of sums of money, accounts, reckoning, bonds, bills, specialties, covenants, contracts, controversies, agreements, promises, variances, trespasses, damages, judgments, extents, executions, claims and demands whatsoever, in law or in equity, which against it ever had, now has or which its successors and assigns, heirs, executors and administrators, hereafter can, shall or may have for, upon or by reason of any matter, cause or thing whatsoever from the beginning of the world to the day of the date of these presents, and more particularly releasing and discharging the defendant herein from any and all further liability arising out of a claim at 65 George Street, Depew, New York 14043.

The undersigned further represents that there are no liens or reimbursement right by any attorney enforceable against the proceeds of this settlement or against the parties released, the RELEASOR and/or any of its Subsidiaries, Divisions or other associated companies, or the persons, firms, or corporations making the payment herein. If such a lien or reimbursement right is asserted against the proceeds herein, or against the released parties, or against the RELEASOR

and/or any of its Subsidiaries, Divisions or other associated companies, or any person, firm, or corporation making payment herein, then, in consideration of the payment made to the undersigned, the undersigned covenants to pay and satisfy such asserted lien or reimbursement right, or to satisfy the same on a compromise basis, and to obtain in any event a release of the parties released herein, the RELEASOR and/or any of its Subsidiaries, Divisions or other associated companies, or the persons, firms or corporations making the payment herein, and to indemnify and hold harmless said parties from any costs, expenses, attorney fees, claims, actions, judgments, or settlements resulting from the assertion or enforcement of such lien or reimbursement right by any entity having such lien or reimbursement right.

The claim identified in this Release is inclusive of any and all liens, known or unknown, and the claimant shall be solely responsible for any such liens.

The Parties agree that but for the disclosures necessary to report this claim, and such disclosures as may be required by law, there will be no media coverage or press statements made by any Party, and no discussion on the internet or social media sites of the settlement or case. **Patrick Fellner** agrees to keep the terms of the Claim confidential which means that they may not disclose the terms and conditions of the Claim, the payment amount or even that a payment was made, except that he may disclose it to his financial or tax advisor, legal advisor, medical or health care providers, or spouse provided that each person or entity to whom he is permitted to disclose it agrees also to keep the information confidential except as may be necessary for the preparation and filing of any tax returns or as may be compelled by law. The parties are permitted, if asked, only to state that the matter has been resolved.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this ____ day of February, 2019.

Patrick Fellner
Manager of the Risk Department

STATE OF NEW YORK)
COUNTY OF) ss:

On this ___ day of February, 2019, before me personally appeared **Patrick Fellner** to me known, and known to me to be the same person described in and who executed the within instrument and he/she acknowledged to me that he/she executed the same.

Notary Public



ERIE COUNTY WATER AUTHORITY

295 Main Street Rm. 350
Buffalo, N.Y. 14203

RETURN SERVICE REQUESTED

National Fuel Finance Department
Mr. Patrick Fellner
6363 Main Street
Williamsville, NY 14221-5887

Thursday, 14 February 2019 at 14:59 hours:

I received the following [Executed ECWA General Release Form](#):

GENERAL RELEASE

Subject:	ECWA Claim Number: 2018-012
Claimant Name:	National Fuel Gas
ECWA Claim Number:	2018-012
Claimant:	National Fuel Gas
NFG Claim Number:	2018-47149-01
NFG File Number:	70016651
NFG Invoice Number:	2018-47149-01
Date of Loss:	Monday, 29 January 2018
Date of Notice:	Monday, 16 April 2018
Location of Loss:	65 George Street Depew, New York 14043

KNOW YE, that **National Fuel Gas, in care of Mr. Patrick Fellner** ("RELEASOR"), for and in consideration of the sum of ELEVEN THOUSAND EIGHT HUNDRED TWELVE DOLLARS AND FORTY-EIGHT CENTS (\$11,812.48) lawful money of the United States of America to it in-hand paid by ERIE COUNTY WATER AUTHORITY ("RELEASEE"), the receipt whereof is hereby acknowledged, has remised, released and forever discharged and by these presents, does for itself, its successors and assigns, heirs, executors and administrators, remise, release and forever discharge RELEASEE, its successors and assigns, heirs, executors and administrators, of and from all, and all manner of sums of money, accounts, reckoning, bonds, bills, specialties, covenants, contracts, controversies, agreements, promises, variances, trespasses, damages, judgments, extents, executions, claims and demands whatsoever, in law or in equity, which against it ever had, now has or which its successors and assigns, heirs, executors and administrators, hereafter can, shall or may have for, upon or by reason of any matter, cause or thing whatsoever from the beginning of the world to the day of the date of these presents, and more particularly releasing and discharging the defendant herein from any and all further liability arising out of a claim at 65 George Street, Depew, New York 14043.

The undersigned further represents that there are no liens or reimbursement right by any attorney enforceable against the proceeds of this settlement or against the parties released, the RELEASOR and/or any of its Subsidiaries, Divisions or other associated companies, or the persons, firms, or corporations making the payment herein. If such a lien or reimbursement right is asserted against the proceeds herein or against the released parties or against the RELEASOR

and/or any of its Subsidiaries, Divisions or other associated companies, or any person, firm, or corporation making payment herein, then, in consideration of the payment made to the undersigned, the undersigned covenants to pay and satisfy such asserted lien or reimbursement right, or to satisfy the same on a compromise basis, and to obtain in any event a release of the parties released herein, the RELEASOR and/or any of its Subsidiaries, Divisions or other associated companies, or the persons, firms or corporations making the payment herein, and to indemnify and hold harmless said parties from any costs, expenses, attorney fees, claims, actions, judgments, or settlements resulting from the assertion or enforcement of such lien or reimbursement right by any entity having such lien or reimbursement right.

The claim identified in this Release is inclusive of any and all liens, known or unknown, and the claimant shall be solely responsible for any such liens.

The Parties agree that but for the disclosures necessary to report this claim, and such disclosures as may be required by law, there will be no media coverage or press statements made by any Party, and no discussion on the internet or social media sites of the settlement or case. **Patrick Fellner** agrees to keep the terms of the Claim confidential which means that they may not disclose the terms and conditions of the Claim, the payment amount or even that a payment was made, except that he may disclose it to his financial or tax advisor, legal advisor, medical or health care providers, or spouse provided that each person or entity to whom he is permitted to disclose it agrees also to keep the information confidential except as may be necessary for the preparation and filing of any tax returns or as may be compelled by law. The parties are permitted, if asked, only to state that the matter has been resolved.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 6th day of February, 2019.

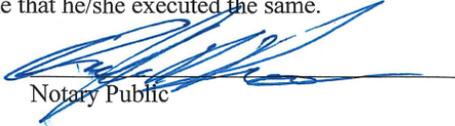


Patrick Fellner
Manager of the Risk Department

STATE OF NEW YORK)
COUNTY OF 6th) ss:

On this 6th day of February, 2019, before me personally appeared **Patrick Fellner** to me known, and known to me to be the same person described in and who executed the within instrument and he/she acknowledged to me that he/she executed the same.

CHRISTOPHER D. KINSLEY
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN NIAGARA COUNTY
MY COMMISSION EXPIRES
NOVEMBER 27, 2022



Notary Public



6363 MAIN STREET/WILLIAMSVILLE NY 14221-5887

National Fuel

Hasler

02/12/2019

US POSTAGE

FIRST-CLASS MAIL
AUTO

\$00.42⁸

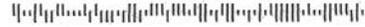


ZIP 14212
011D12602456

RECEIVED
19 FEB 14 PM 2:59
ERIE COUNTY
WATER AUTHORITY

ERIE COUNTY WATER AUTHORITY
295 Main Street Rm. 350
Buffalo, NY 14203

LUS-SMB 14203



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

Contract: _____ **Project No.:** _____
Project Description: National Fuel Gas Corporation vs Erie County Water Authority
ECWA Claim #2018-012

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 Claim for property damage against the Erie County Water Authority

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 Board Authorization to pay claim.

Approvals Needed:

APPROVED AS TO CONTENT:

Department Head _____ Date: _____
 Risk Manager [Signature] _____ Date: 02/14/2019
 Director of Administration _____ Date: _____
 Executive Engineer _____ Date: _____

APPROVED AS TO FORM:

Legal _____ Date: _____

APPROVED FOR BOARD RESOLUTION:

Secretary to the Authority _____ Date: _____

Remarks: _____

Resolution Date: _____ **Item No:** _____

S:\Claims_word\2018\General Liability\Property Damage\2018-012 – National Fuel\2018-012 – National Fuel - Claim Data Sheets\2018-012 – National Fuel - Claim Data Sheet.docx

E.C.W.A. Claim Data Sheet revised Monday, 21 May 2007

2/28/19

[Claims Log - All Years](#)