

**MINUTES** of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 350 Ellicott Square Building, Buffalo, New York, on the 25th day of January, 2007.

**PRESENT:** **Frank E. Swiatek, Chairman**  
**Robert J. Lichtenthal, Jr., Vice Chairman**  
**Francis G. Warthling, Treasurer**  
**Robert A. Mendez, Executive Director**  
**Matthew J. Baudo, Secretary to the Authority**  
**Edward J. Kasprzak, Deputy Director**  
**Wesley C. Dust, Executive Engineer**  
**Mark J. Fuzak, Attorney**  
**Ronald P. Bennett, Associate Attorney**  
**Paul H. Riester, Director of Administration**  
**Karla L. Thomas, Director of Human Resources**  
**Daniel J. NeMoyer, Public Affairs Officer**  
**Albert J. Meaney, Comptroller**

**ATTENDEES:** **Michael Rensch**

**CALL TO ORDER**

**PLEDGE TO THE FLAG**

**I. - ROLL CALL**

**II. - READING OF MINUTES**

Motion by Mr. Lichtenthal seconded by Mr. Warthling and carried to waive the reading of the Minutes of the Meeting held on Thursday, January 11, 2007.

**III. - APPROVAL OF MINUTES**

Motion by Mr. Lichtenthal seconded by Mr. Warthling and carried to approve the Minutes of the Meeting held on Thursday, January 11, 2007.

**IV. - REPORTS (See "Report" Minutes for Details)**

- A) SECRETARY/PERSONNEL**
- B) LEGAL**
- C) FISCAL**
- D) OPERATIONS**
- E) HUMAN RESOURCES**

## **V. - COMMUNICATIONS AND BILLS**

### **ITEM 1 - CREATION OF MASTER PURCHASE ORDERS:**

Motion by Mr. Lichtenthal seconded by Mr. Warthling and carried to approve the creation of Master Purchase Order Nos. as listed on the attached sheet page 1 not to exceed the amount of \$72,100.00 and that the Director of Administration be authorized to execute the above and all associated documents after certifying that they are in conformity with applicable laws and the Authority's By-Laws and Purchasing Guidelines, Policies and Procedures..

### **ITEM 2 - MASTER PURCHASE ORDERS:**

Motion by Mr. Lichtenthal seconded by Mr. Warthling and carried to approve for payment of Master Purchase Order Nos. as listed on the attached sheets pages 1-11 after certification by the Comptroller that the orders are in accordance with the quotations and that the Director of Administration be authorized to execute the above and all associated documents after certifying that they are in conformity with applicable laws and the Authority's By-Laws and Purchasing Guidelines, Policies and Procedures.

## **VI. - UNFINISHED BUSINESS (NONE)**

## **VII. - NEW BUSINESS (RESOLUTIONS 3-15)**

### **ITEM 3 - FINAL ACCEPTANCE OF PROJECT WITH MOLLENBERG-BETZ, INC. FOR HVAC UPGRADES FOR THE ERIE COUNTY WATER AUTHORITY, PROJECT NO. 200600010, CONTRACT NO. 06-10-05 - \$11,665.00**

Motion by Mr. Lichtenthal seconded by Mr. Warthling

**WHEREAS**, Heretofore and on the 6th day of April, 2006, the Erie County Water Authority ("Authority") entered into a contract with Mollenberg-Betz, Inc. for HVAC upgrades for the Authority, identified as Contract No. 06-10-05; and

**WHEREAS**, Mollenberg-Betz, Inc. submitted the maintenance bond required to complete the contract; and

**WHEREAS**, Mollenberg-Betz, Inc. has submitted a final invoice in the amount of \$11,665.00; and

**WHEREAS**, Wesley C. Dust, P.E., Executive Engineer, and Robert A. Mendez, Executive Director, recommend acceptance of said project;

**NOW, THEREFORE, BE IT RESOLVED:**

That the above project is hereby accepted by the Authority as of the date hereof.

Ayes: Three; Commrs. Swiatek, Lichtenthal and Warthling

Noes: None

**ITEM 4 - PAYMENT OF INVOICE OF CITIGROUP FOR SERVICES RENDERED IN CONNECTION WITH THE ISSUANCE OF ERIE COUNTY WATER AUTHORITY, WEEKLY ADJUSTABLE/FIXED RATE WATER WORKS SYSTEM REVENUE BONDS, SERIES 1993A AND WEEKLY ADJUSTABLE/FIXED RATE WATER WORKS SYSTEM REVENUE BONDS, SERIES 1993B - \$13,390.41**

Motion by Mr. Lichtenthal seconded by Mr. Warthling

**WHEREAS**, Heretofore and on the 18th day of February 1993, the Authority adopted the Third Supplemental Resolution authorizing the issuance of \$42,500,000 Weekly Adjustable/Fixed Rate Water Works System Revenue Bonds, Series 1993A and 1993B; and

**WHEREAS**, CitiGroup has submitted their invoice in the total amount of \$13,390.41, dated December 28, 2006 for services performed for the period of October 1, 2006 to December 31, 2006; and

**WHEREAS**, Said invoice has been approved for payment by Albert Meaney, Comptroller;

**NOW, THEREFORE, BE IT RESOLVED:**

That the abovementioned invoice of CitiGroup in the amount of \$13,390.41 services rendered in connection with the Erie County Water Authority Weekly Adjustable/Fixed Rate Water Works System Revenue Bonds, Series 1993A and Series 1993B be referred to the Comptroller for his verification and if found to be in order that said invoice be approved and the Treasurer, or in his absence the Assistant Treasurer, be and hereby is authorized to pay the same.

Ayes: Three; Commrs. Swiatek, Lichtenthal and Warthling

Noes: None

**ITEM 5 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH ECOLOGY & ENVIRONMENT, INC. TO PROVIDE SERVICES RELATED TO THE ERIE COUNTY WATER AUTHORITY'S GEOGRAPHIC INFORMATION SYSTEM (GIS) FOR 2007 AND 2008 AT A COST NOT TO EXCEED \$300,000**

Motion by Mr. Lichtenthal seconded by Mr. Warthling

**WHEREAS**, The Erie County Water Authority's ("Authority") Board of Commissioners authorized the issuance of a Request for Proposals ("RFP") to qualified firms to provide consulting services for technical support for the Authority's Geographic Information System ("GIS") for 2007 and 2008 on October 19, 2006; and

**WHEREAS**, A copy of the RFP was sent to:

Ecology & Environment, Inc.  
Bergmann Associates  
URS  
Stearns and Wheeler  
Malcolm Pirnie  
O'Brien and Gere  
Wendel Duchscherer  
Erdman Anthony  
TVGA  
Nussbaumer & Clarke; and

**WHEREAS**, The respondents to the RFP were: Ecology & Environment, Inc., Bergmann Associates and URS; and

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

**WHEREAS**, Upon evaluating the response to the RFP, the Authority deems it advisable to have Ecology & Environment, Inc. render professional consulting services for technical support for the Authority's Geographic Information System ("GIS") for 2007 and 2008; and

**WHEREAS**, Ecology & Environment, Inc. have committed to a two-year period to render professional consulting services for technical support for the Authority's Geographic Information System ("GIS"), commencing with the execution of the agreement and, at the Authority's option, to enter into a one year agreement renewal; and

**WHEREAS**, Wesley C. Dust, Executive Engineer and Robert A. Mendez, Executive

Director recommend that the Authority enter into an agreement with Ecology & Environment, Inc. for a total cost not to exceed \$300,000;

**NOW, THEREFORE, BE IT RESOLVED:**

That the Authority accepts the proposal of Ecology & Environment, Inc. to provide consulting services for technical support for the Authority's Geographic Information System ("GIS") for 2007 and 2008; and be it further

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

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

**RESOLVED:** That the Secretary be and he hereby is authorized to forward an executed copy of said Agreement together with a certified copy of this resolution to Ecology & Environment, Inc.

Ayes: Three; Comms. Swiatek, Lichtenthal and Warthling

Noes: None

**ITEM 6 - AUTHORIZATION TO EXECUTE PRELIMINARY UTILITY WORK AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR PMI MILLING AND RESURFACING, NY 277 COMMERCE PARKWAY TO FRENCH ROAD, NY 400 INTERCHANGE RAMPS, UNION ROAD TO OLEAN ROAD, TOWNS OF CHEEKTOWAGA, WEST SENECA, ELMA AND AURORA, ERIE COUNTY, PROJECT NO. 200700030, IDENTIFIED AS PIN NO. 5808.84**

Motion by Mr. Lichtenthal seconded by Mr. Warthling

**WHEREAS,** Wesley C. Dust, P.E., Executive Engineer, has advised that the New York State Department of Transportation ("NYSDOT") has submitted forms for Preliminary Utility Work Agreement for work to be performed on Authority facilities due to the project described as PMI Milling and Resurfacing, NY 277 Commerce Parkway to French Road, NY 400 Interchange Ramps, Union Road to Olean Road, Towns of Cheektowaga, West Seneca, Elma and Aurora, Erie County, identified as PIN No. 5808.84; and

**WHEREAS,** The water valves presently located on State Right-of-Way as shown on the plans for the proposed transportation project are to be adjusted in conflict with construction; and

**WHEREAS**, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend the execution of said Preliminary Utility Work Agreement;

**NOW, THEREFORE, BE IT RESOLVED:**

That the Chairman, or in his absence the Vice Chairman, be and he hereby is authorized and directed to enter into a Preliminary Utility Work Agreement with the NYSDOT for the abovementioned project identified as PMI Milling and Resurfacing, NY 277 Commerce Parkway to French Road, NY 400 Interchange Ramps, Union Road to Olean Road, Towns of Cheektowaga, West Seneca, Elma and Aurora, Erie County, identified as PIN No. 5808.84; and be it further

**RESOLVED:** That the Secretary be and he hereby is authorized to forward four copies of the executed Agreement to Scott McKay, Regional Utilities Engineer, New York State Department of Transportation, Region 5 Office, 125 Main Street, Buffalo, New York, 14203.

Ayes: Three; Commrs. Swiatek, Lichtenthal and Warthling  
Noes: None

**ITEM 7 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE FURNISHING AND DELIVERING OF BOOSTER PUMPS FOR THE ERIE COUNTY WATER AUTHORITY, PROJECT NO. 200700019**

Motion by Mr. Lichtenthal seconded by Mr. Warthling

**WHEREAS**, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend that the Erie County Water Authority ("Authority") publish a notice inviting sealed bids or proposals pursuant to Section 1069 of the Public Authorities Law for the furnishing and delivering of booster pumps for the Authority; and

**WHEREAS**, The work, labor and services for the abovementioned project is estimated to cost an amount in excess of \$10,000.00; and

**WHEREAS**, The Advertisement for Bids for the furnishing and delivering of booster pumps for the Authority will be conducted pursuant to the newly enacted legislation, New York State Finance Law §§ 139-j and 139-k and the Authority's Purchasing Guidelines, Policies and Procedures; and

**WHEREAS**, Jay Meyers, Production Engineer will be the designated contact person for the project with the adoption of this resolution;

**NOW, THEREFORE, BE IT RESOLVED:**

That the plans and specifications and form of bid be prepared for the furnishing and delivering of booster pumps for the Authority and upon completion be made available for inspection by bidders in the office of the Authority; and be it further

**RESOLVED:** That the Secretary be and he hereby is authorized and directed to publish a notice inviting sealed bids or proposals pursuant to Section 1069 of the Public Authorities Law for the abovementioned project.

Ayes: Three; Commrs. Swiatek, Lichtenthal and Warthling  
Noes: None

**ITEM 8 - APPROVAL OF CHANGE ORDER NO. 1 OF MODERN DISPOSAL SERVICES, INC. FOR THE FURNISHING OF NECESSARY, LABOR AND MATERIALS FOR THE PICK UP, HAULING AND DISPOSAL OF ALUM SLUDGE, ZEBRA MUSSELS, TIRES AND OTHER CONSTRUCTION MATERIALS LOCATED AT DIFFERENT PROPERTIES BELONGING TO THE ERIE COUNTY WATER AUTHORITY FROM MARCH 1, 2006 THROUGH FEBRUARY 28, 2007, PROJECT NO. 200600005, CONTRACT NO. 06-03-02 - \$40,563.90**

Motion by Mr. Lichtenthal seconded by Mr. Warthling

**WHEREAS**, Heretofore and on the 7th day of February, 2006, the Erie County Water Authority ("Authority") entered into a contract with Modern Disposal Services, Inc. for the furnishing of necessary, labor and materials for the pick up, hauling and disposal of alum sludge, zebra mussels, tires and other construction materials located at different properties belonging to the Erie County Water Authority from March 1, 2006 through February 28, 2007, identified as Contract No. 06-03-02; and

**WHEREAS**, Paragraph 12 (Grounds for Renewal of Contract) in the Agreement section of said contract states that if the Erie County Water Authority and Contractor mutually agree to continue this Contract after the 28th day of February, 2007, it shall be extended for the term of one (1) year on the same terms and conditions provided for in the contract; and

**WHEREAS**, Modern Disposal Services, Inc. submitted a letter dated December 8, 2006 requesting to extend the contract for a one year period under the same terms and conditions, including price as the current contract; and

**WHEREAS**, Said contractor has submitted Change Order No. 1 in the sum of \$40,563.90 to extend the contract for one year; and

**WHEREAS**, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend approval of said Change Order No. 1;

**NOW, THEREFORE, BE IT RESOLVED:**

That Change Order No. 1 of Modern Disposal Services, Inc. in the amount of \$40,563.90 to provide for the abovementioned change be approved; and be it further

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

Ayes: Three; Commrs. Swiatek, Lichtenthal and Warthling  
Noes: None

**ITEM 9 - APPROVAL OF AMENDMENT NO. 1 OF DIDONATO ASSOCIATES, P.E., P.C. TO RENDER PROFESSIONAL ENGINEERING SERVICES IDENTIFIED AS CONTRACT NO. DA-005B, WATER SYSTEM IMPROVEMENTS IN THE TOWNS OF CHEEKTOWAGA, HAMBURG AND WEST SENECA, VILLAGE OF DEPEW AND CITY OF LACKAWANNA, NEW YORK, PROJECT NO. 200400490 - \$9,500.00**

Motion by Mr. Lichtenthal seconded by Mr. Warthling

**WHEREAS**, Heretofore and on the 17th day of February, 2005, the Erie County Water Authority ("Authority") entered into an agreement with DiDonato Associates, P.E., P.C. for Contract No. DA-005, design and construction of watermains in the Towns of Amherst, Cheektowaga, Hamburg and West Seneca, Village of Depew, and Cities of Lackawanna and Tonawanda, New York; and

**WHEREAS**, The work was completed under two construction contracts: Contract DA-005A, water system improvements in the Towns of Amherst and Cheektowaga, Village of Depew, and Cities of Lackawanna and Tonawanda, New York and Contract DA-005B, water system improvements in the Towns of Cheektowaga, Hamburg and West Seneca, Village of Depew and City of Lackawanna; and

**WHEREAS**, Said consultant has submitted Amendment No. 1 for Contract No. DA-



005B in the sum of \$9,500.00 to provide for the increase in engineering cost due to inflation; and

**WHEREAS**, The reason for said change is because contract was originally scheduled for design in 2005 and construction in 2006. One year delay due to ECWA budgetary constraints has resulted in increase in engineering cost due to inflation; and

**WHEREAS**, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend approval of said Amendment No. 1;

**NOW, THEREFORE, BE IT RESOLVED:**

That Amendment No. 1 of DiDonato Associates, P.E., P.C. in the amount of \$9,500 to provide for the abovementioned change be approved; and be it further

**RESOLVED:** That the Chairman be and he hereby is authorized to execute said Amendment No. 1 on behalf of the Authority.

Ayes: Three; Commrs. Swiatek, Lichtenthal and Warthling  
Noes: None

**ITEM 10 - REFUND FOR NEW SERVICE INSTALLATIONS - \$10,477.67**

Motion by Mr. Lichtenthal seconded by Mr. Warthling

**WHEREAS**, The Erie County Water Authority ("Authority") has installed new services identified on its records by OWIP numbers; and

**WHEREAS**, Said new services have been completed and the actual cost thereof ascertained; and

**WHEREAS**, The entire actual cost thereof is less than the estimated cost of the new services; and

**WHEREAS**, Edward J. Kasprzak, Deputy Director, under the date of January 8, 2007, has recommended that the following refunds be made as set forth on attached Schedule "A";

**NOW, THEREFORE, BE IT RESOLVED:**

That the Authority repay the difference between the estimated cost of said new services and the entire actual costs thereof to the parties and in the amounts hereinafter set forth on attached Schedule "A".

Ayes: Three; Commrs. Swiatek, Lichtenthal and Warthling  
Noes: None

**ITEM 11 - AUTHORIZATION FOR PAUL RIESTER, DIRECTOR OF  
ADMINISTRATION TO ATTEND THE 2007 UPPCC JOB ANALYSIS  
TASK FORCE MEETING IN WASHINGTON, D.C.**

Motion by Mr. Lichtenthal seconded by Mr. Warthling

**WHEREAS**, The Erie County Water Authority (Authority) deems it advisable for Paul Riestler, Director of Administration to attend the 2007 UPPCC Job Analysis Task Force Meeting in Washington, D.C. at no cost to the Authority;

**NOW, THEREFORE, BE IT RESOLVED:**

That Paul Riestler, Director of Administration be and he is hereby authorized to travel to Washington, D.C. from February 12, 2007 to February 13, 2007 to attend 2007 UPPCC Job Analysis Task Force Meeting at no cost to the Authority.

Ayes: Three; Commrs. Swiatek, Lichtenthal and Warthling  
Noes: None

**ITEM 12 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER  
AUTHORITY'S ANNUAL BUDGET FOR FISCAL YEAR 2007**

Motion by Mr. Lichtenthal seconded by Mr. Warthling

**WHEREAS**, In a resolution dated November 20, 2006 the Erie County Water Authority ("Authority") adopted its Annual Budget for the fiscal year 2007; and

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

**WHEREAS**, The Authority was notified by the City of Tonawanda ("City") that the City is planning the road reconstruction of Virginia Street in the City, and is recommending that the Authority replace the 520 LF of water main in Virginia Street; and

**WHEREAS**, The Authority deems it advisable to replace the water main in Virginia Street, which would necessitate the re-allocation of budget funds by transferring \$50,000 from budget item 100515, Contract EA-7, Waterline Replacements in the Town of Amherst and the City of Lackawanna, which funds are not expected to be used in 2007; and

**WHEREAS**, Robert A. Mendez, Executive Director, Edward J. Kasprzak, Deputy Director, and Wesley C. Dust, Executive Engineer, recommend approval of said amendment;

**NOW, THEREFORE, BE IT RESOLVED:**

That the Authority's Annual Budget for the fiscal year 2007 be amended by transferring \$50,000 from budget item 100515, Contract EA-7, to the water main replacement project in Virginia Street in the City of Tonawanda.

Ayes: Three; Commrs. Swiatek, Lichtenthal and Warthling

Noes: None

**ITEM 13 - PURCHASE ORDERS:**

Motion by Mr. Lichtenthal seconded by Mr. Warthling and carried to approve for payment of Purchase Order Nos. as listed on the attached sheets pages 12-22 after certification by the Comptroller that the orders are in accordance with the quotations and that the Director of Administration be authorized to execute the above and all associated documents after certifying that they are in conformity with applicable laws and the Authority's By-Laws and Purchasing Guidelines, Policies and Procedures.

**ITEM 14 - PURCHASE ORDER AMENDMENTS:**

Motion by Mr. Lichtenthal seconded by Mr. Warthling and carried to approve for payment of Purchase Order Amendments as listed on the attached sheet page 23 after certification by the Comptroller that the orders are in accordance with the quotations and that the Director of Administration be authorized to execute the above and all associated documents after certifying that they are in conformity with applicable laws and the Authority's By-Laws and Purchasing Guidelines, Policies and Procedures.

**ITEM 15 - SERVICE CONNECTION WORK ORDER LIST:**

Motion by Mr. Lichtenthal seconded by Mr. Warthling and carried to approve Service Connection Work Order Nos. 07-02 and 07-03, to Triple R Development of WNY, Inc. for Service Area No. 1 under Contract No. 05-02-01 and to Nichols Long & Moore Construction Corp. for Service Area No. 2 under Contract No. 05-03-01 and large services under Contract No. 05-01-01 to Nichols Long & Moore Construction Corp.

**VIII. - ADJOURNMENT**

Meeting adjourned until the next regular meeting to be held on Thursday, February 8, 2007 at 4:00 p.m.

Matthew J. Baudo  
Secretary to the Authority

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01/25/07