

**MINUTES** of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 350 Ellicott Square Building, Buffalo, New York, on the 21st day of February, 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**  
**Emilio L. Colaiacovo, Associate Attorney**  
**Paul H. Riester, Director of Administration**  
**James M. Byron, Budget Director**  
**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, February 8, 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, February 8, 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 - 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 1-5 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 2-12)**

### **ITEM 2 - AUTHORIZATION TO ENTER INTO A CUSTOMER AGREEMENT WITH IRON MOUNTAIN TO RENDER RECORDS MANAGEMENT SERVICES**

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 render records management services on October 19, 2006; and

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

Lincoln Archives  
 Iron Mountain  
 Shred-It/Secur-It  
 Good & Fair Moving & Storage  
 Adminserv US, LLC  
 American Records Management; and

**WHEREAS**, The respondents to the RFP were: Lincoln Archives, Iron Mountain, Good & Fair Moving & Storage, Adminserv US, LLC and American Records Management; and

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

02/21/07

**WHEREAS**, Upon evaluating the responses to the RFP, the Authority deems it advisable to have Iron Mountain render professional records management services for the Authority; and

**WHEREAS**, Matthew J. Baudo, Secretary to the Authority and Robert A. Mendez, Executive Director recommend that the Authority enter into a Customer Agreement with Iron Mountain to provide records management services;

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

That the Authority accepts the proposal of Iron Mountain to render records management services; and be it further

**RESOLVED:** That 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 Iron Mountain.

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

**ITEM 3 - AUTHORIZATION TO ENTER INTO AN AGREEMENT IN CONNECTION WITH COST OF RELOCATING MUNICIPALLY OWNED FACILITIES MAINTAINED FOR PUBLIC USE WITH THE N.Y.S.D.O.T. FOR HAMBURG VILLAGE, SH 862, MAIN STREET VILLAGE, SH 9413, BUFFALO STREET VILLAGE, SH 9414, BUFFALO, SH 2 U.S. ROUTE 62 FROM LAKE STREET TO LEGION DRIVE, NY ROUTE 391 FROM BUFFALO STREET TO EAST VILLAGE LINE VILLAGE OF HAMBURG, ERIE COUNTY, PROJECT NO. 200500309, IDENTIFIED AS PIN NO. 5308.03 - \$34,509.00**

Motion by Mr. Lichtenthal seconded by Mr. Warthling

**WHEREAS**, By Erie County Water Authority ("Authority") resolution dated October 5, 2006, the Authority entered into a Preliminary Utility Work Agreement with the New York State Department of Transportation ("NYSDOT") for Hamburg Village, SH 862, Main Street Village, SH 9413, Buffalo Street Village, SH 9414, Buffalo, SH 2 U.S. Route 62 from Lake Street to Legion Drive, NY Route 391 from Buffalo Street to East Village Line Village of Hamburg, Erie

County, identified as PIN No. 5308.03; and

**WHEREAS**, Under date of February 1, 2007, NYSDOT submitted a copy of a proposed Agreement in Connection with Cost of Relocating Municipally Owned Facilities Maintained for Public Use in the total amount of \$34,509.00 covering the reimbursable costs of Hamburg Village, SH 862, Main Street Village, SH 9413, Buffalo Street Village, SH 9414, Buffalo, SH 2 U.S. Route 62 from Lake Street to Legion Drive, NY Route 391 from Buffalo Street to East Village Line Village of Hamburg, Erie County, identified as PIN No. 5308.03; and

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

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

That the Chairman be and he hereby is authorized and directed and directed to enter into an Agreement in Connection with Cost of Relocating Municipally Owned Facilities Maintained for Public Use with the NYSDOT in the total amount of \$34,509.00, which covers Hamburg Village, SH 862, Main Street Village, SH 9413, Buffalo Street Village, SH 9414, Buffalo, SH 2 U.S. Route 62 from Lake Street to Legion Drive, NY Route 391 from Buffalo Street to East Village Line Village of Hamburg, Erie County, identified as PIN No. 5308.03; and be it further

**RESOLVED:** That the Secretary be and he hereby is authorized to forward the original and five copies of the executed Agreement, together with five copies of this enabling resolution to Sanjay Singh, P.E., Assistant Regional Design 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 4 - AUTHORIZATION TO ENTER INTO AN AGREEMENT IN CONNECTION WITH COST OF RELOCATING MUNICIPALLY OWNED FACILITIES MAINTAINED FOR PUBLIC USE WITH THE N.Y.S.D.O.T. FOR GENESEE STREET, PART 1, SH 1212, PHASE II, ROUTE NY 33, GENESEE STREET BUFFALO-NIAGARA INTERNATIONAL AIRPORT EAST ENTRANCE TO CR 539, HOLTZ ROAD, TOWN OF CHEEKTOWAGA, ERIE COUNTY, PROJECT NO. 200400363, IDENTIFIED AS PIN NO. 5512.45 - \$12,244.00**

Motion by Mr. Lichtenthal seconded by Mr. Warthling

**WHEREAS**, By Erie County Water Authority ("Authority") resolution dated September 23, 2004, the Authority entered into a Preliminary Utility Work Agreement with the New York State Department of Transportation ("NYSDOT") for Genesee Street, Part 1, SH 1212, Phase II, Route NY 33, Genesee Street Buffalo-Niagara International Airport East Entrance to CR 539, Holtz Road, Town of Cheektowaga, Erie County, identified as PIN No. 5512.45; and

**WHEREAS**, By resolution dated February 17, 2005, the Authority entered into a revised Preliminary Utility Work Agreement with the NYSDOT for the abovementioned project at a total estimated cost of \$12,244.00, which will be reimbursed by the State of New York either in full or in part; and

**WHEREAS**, Under date of February 2, 2007, NYSDOT submitted a copy of a proposed Agreement in Connection with Cost of Relocating Municipally Owned Facilities Maintained for Public Use in the total amount of \$12,244.00 covering the reimbursable costs of Genesee Street, Part 1, SH 1212, Phase II, Route NY 33, Genesee Street Buffalo-Niagara International Airport East Entrance to CR 539, Holtz Road, Town of Cheektowaga, Erie County; and

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

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

That the Chairman be and he hereby is authorized and directed and directed to enter into an Agreement in Connection with Cost of Relocating Municipally Owned Facilities Maintained for Public Use with the NYSDOT in the total amount of \$12,244.00, which covers Genesee Street, Part 1, SH 1212, Phase II, Route NY 33, Genesee Street Buffalo-Niagara International Airport East Entrance to CR 539, Holtz Road, Town of Cheektowaga, Erie County, identified as PIN No. 5512.45; and be it further

**RESOLVED:** That the Secretary be and he hereby is authorized to forward the original and five copies of the executed Agreement, together with five copies of this enabling resolution to Sanjay Singh, P.E., Assistant Regional Design 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 5 - AUTHORIZATION TO ENTER INTO AN AGREEMENT IN CONNECTION WITH COST OF RELOCATING MUNICIPALLY OWNED FACILITIES MAINTAINED FOR PUBLIC USE WITH THE N.Y.S.D.O.T. FOR SWEET HOME ROAD, REFERENCE ROUTE 952T, SH 82012 & SH 9409, MAPLE ROAD TO ELLICOTT CREEK, TOWN OF AMHERST, ERIE COUNTY, PROJECT NO. 200000314, IDENTIFIED AS PIN NO. 5803.35 - \$15,793.00**

Motion by Mr. Lichtenthal seconded by Mr. Warthling

**WHEREAS**, By Erie County Water Authority ("Authority") resolution dated November 28, 2005, the Authority entered into a Preliminary Utility Work Agreement with the New York State Department of Transportation ("NYSDOT") for Sweet Home Road, Reference Route 952T, SH 82012 & SH 9409, Maple Road to Ellicott Creek, Town of Amherst, Erie County, identified as PIN No. 5803.35 at a total estimated cost of \$15,793.00, which will be reimbursed by the State of New York either in full or in part; and

**WHEREAS**, Under date of February 9, 2007 NYSDOT submitted a copy of a proposed Agreement in Connection with Cost of Relocating Municipally Owned Facilities Maintained for Public Use in the total amount of \$15,793.00 covering the reimbursable costs of the Sweet Home Road, Reference Route 952T, SH 82012 & SH 9409, Maple Road to Ellicott Creek, Town of Amherst, Erie County, identified as PIN No. 5803.35; and

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

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

That the Chairman be and he hereby is authorized and directed and directed to enter into an Agreement in Connection with Cost of Relocating Municipally Owned Facilities Maintained for Public Use with the NYSDOT in the total amount of \$15,793.00, which covers Sweet Home Road, Reference Route 952T, SH 82012 & SH 9409, Maple Road to Ellicott Creek, Town of Amherst, Erie County, identified as PIN No. 5803.35; and be it further

**RESOLVED:** That the Secretary be and he hereby is authorized to forward the original and five copies of the executed Agreement, together with five copies of this enabling resolution to Sanjay Singh, P.E., Assistant Regional Design 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 6 - AWARD OF CONTRACT TO MAR-WAL CONSTRUCTION CO., INC. FOR CONTRACT NO. WE-002, WATER SYSTEM IMPROVEMENTS IN THE TOWN OF CHEEKTOWAGA, PROJECT NO. 200600181 - \$895,030.00**

Motion by Mr. Lichtenthal seconded by Mr. Warthling

**WHEREAS,** The Erie County Water Authority ("Authority") heretofore advertised in the Dodge Reports and Front Page on the 10th day of January 2007, and in Business First on the 12th day of January 2007, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for Contract No. WE-002, water system improvements in the Town of Cheektowaga; and

**WHEREAS,** Sealed bids or proposals were opened in the office of the Authority on the 30th day of January, 2007, at 11:00 a.m., local time, and were as follows:

<b>BIDDERS</b>	<b>AMOUNT</b>
Mar-Wal Construction Co., Inc.	\$ 895,030.00
Milherst Construction, Inc.	1,087,243.21
Kandey Company, Inc.	1,111,111.00
C. Destro Development Co., Inc.	1,118,710.00*
WNY Contractors, Inc.	1,158,360.00
Visone Construction, Inc.	1,211,424.00*
Sergi Construction, Inc.	1,231,925.00
Triple R Development of WNY, Inc.	1,313,850.30*

\*Corrected Figures; and

**WHEREAS,** The bid bonds have all been approved by Anthony Alessi, Claims Representative/Risk Manager; and

**WHEREAS,** Tamekia Hall, Director of Equal Employment Opportunity, has advised

that the low bidder, Mar-Wal Construction Co., Inc. has complied with the Authority's Affirmative Action Requirements and recommends that they be allowed to proceed with their contract based on that fact; and

**WHEREAS**, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director have reviewed the specifications and bids and determined that Mar-Wal Construction Co., Inc. is the lowest bidder qualified to perform the project and have recommended that a contract be awarded to that firm for the abovementioned project;

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

That it is hereby determined that Mar-Wal Construction Co., Inc. is the lowest responsible bidder for the abovementioned project, and that the Chairman be and he hereby is authorized and directed to execute a contract with said contractor for the Contract No. WE-002, water system improvements in the Town of Cheektowaga in the total amount of \$895,030.00; 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 contract, the Restricted Period will cease; and be it further

**RESOLVED:** That the Secretary be and he hereby is authorized to return to the unsuccessful bidders their deposit submitted with their bid to the Authority for the abovementioned project; and be it further

**RESOLVED:** That the Director of Administration is hereby authorized and directed to create a Master Purchase Order for the abovementioned contract.

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

**ITEM 7 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE FURNISHING AND DELIVERING OF VARIABLE FREQUENCY DRIVES FOR HAMBURG PUMP STATION, PROJECT NO. 200700026**

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 variable frequency drives for Hamburg Pump Station; 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 variable frequency drives for Hamburg Pump Station 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**, Scott A. Aiple, Electrical 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 variable frequency drives for Hamburg Pump Station 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 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR ROOF REPLACEMENTS SERVICE CENTER - SOUTH GARAGE, PROJECT NO. 200700024**

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 roof replacements Service Center - South Garage; and

**WHEREAS**, The work, labor and services for the abovementioned project is estimated to cost an amount in excess of \$5,000.00; and

**WHEREAS**, The Advertisement for Bids for roof replacements Service Center - South Garage 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 F. 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 roof replacements Service Center - South Garage 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 9 - AUTHORIZATION TO REFUND SERVICE CONNECTION FEE TO FISHER HOMES - \$1,100.00**

Motion by Mr. Lichtenthal seconded by Mr. Warthling

**WHEREAS,** On the 28th day of April, 2004, Fisher Homes applied for a 3/4-inch service to 289 Crabapple Lane, Town of Cheektowaga, New York and deposited with the Erie County Water Authority ("Authority") the sum of \$1,100.00; and

**WHEREAS,** Steven D'Amico, Customer Service Representative, has advised that the customer will not be building on this lot; and

**WHEREAS,** Albert J. Meaney, Comptroller, recommends that the Authority refund the \$1,100.00 deposit of Fisher Homes; and

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

That the Comptroller be and he hereby is authorized and directed to refund \$1,100.00 to Fisher Homes.

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

**ITEM 10 - 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 6-12 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 11 - 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 13 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 12 - SERVICE CONNECTION WORK ORDER LIST:**

Motion by Mr. Lichtenthal seconded by Mr. Warthling and carried to approve Service Connection Work Order Nos. 07-07 and 07-08, to C. Destro Development Co., Inc. for Service Area No. 1 under Contract No. 07-04-01 and to C. Destro Development Co., Inc. for Service Area No. 2 under Contract No. 07-05-01 and large services under Contract No. 07-03-01 to Kandey Company, Inc.

**VIII. - ADJOURNMENT**

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

Matthew J. Baudo  
Secretary to the Authority

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