

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 350 Ellicott Square Building, Buffalo, New York, on the 8th day of March, 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. Riestler, Director of Administration
Karla L. Thomas, Director of Human Resources
Daniel J. NeMoyer, Public Affairs Officer
Susan L. Rinaldo, Cash Manager

ATTENDEES: **Danielle Elliott**

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 Wednesday, February 21, 2007.

III. - APPROVAL OF MINUTES

Motion by Mr. Lichtenthal seconded by Mr. Warthling and carried to approve the Minutes of the Meeting held on Wednesday, February 21, 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 \$10,000.00 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 1-14 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 3-28)

ITEM 3 - PAYMENT OF INVOICE OF NATIONAL AUSTRALIA BANK, LTD. 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 - \$28,179.68

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 \$27,500,000 Adjustable/Fixed Rate Water Works System Revenue Bonds, Series 1993A and \$15,000,000 Weekly Adjustable/Fixed Rate Water Works System Revenue Bonds, Series 1993B; and

WHEREAS, National Australia Bank, Ltd. has submitted an invoice dated March 2, 2007 in the total amount of \$28,179.68 for services performed during the period December 1, 2006 through February 28, 2007 in connection with said bond issuance; and

WHEREAS, Said invoice has been approved for payment by Edward J. Kasprzak, Deputy Director;

NOW, THEREFORE, BE IT RESOLVED:

That the abovementioned invoice of National Australia Bank, Ltd. in the amount of \$28,179.68 for professional services rendered during the period December 1, 2006 through February 28, 2007 in connection with the Erie County Water Authority 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/her absence the Assistant Treasurer, be and hereby is authorized to pay same.

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

ITEM 4 - RATIFICATION OF THE INVESTMENT OF FUNDS FROM THE MANUFACTURERS & TRADERS TRUST COMPANY, DEBT SERVICE FUND FOURTH RESOLUTION REFUNDING WATER REVENUE BONDS, SERIES 1992 - \$462,916.67

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, Susan Rinaldo, Cash Manager, advised under date of March 2, 2007 that there was available on March 1, 2007 the following amounts in the Debt Service Fund Fourth Resolution Refunding Water Revenue Bonds, Series 1992:

Accreted Value \$462,916.67

and has recommended that the Manufacturers & Traders Trust Company, as Fiscal Agent, be authorized to invest from the Bond Fund in the amount of \$56,666.67 to mature in time for the June 1, 2007 Capital Appreciation Bond Maturity at the highest yield to 1992 Bondholders and invest from the Bond Fund in the amount of \$406,250.00 to mature in time for the December 1, 2007 Capital Appreciation Bond Maturity at the highest yield to 1992 Bondholders; and

WHEREAS, Inasmuch as the Authority does not have adequate safekeeping facilities for the aforementioned securities, the Comptroller recommends that the Manufacturers & Traders Trust Company be authorized to maintain possession of the securities, in trust, for the Authority for safekeeping purposes;

NOW, THEREFORE, BE IT RESOLVED:

That the action of Albert Meaney, Comptroller, in authorizing the Manufacturers & Traders Trust Company to invest from the Bond Fund in the amount of \$56,666.67 to mature in time for the June 1, 2007 Capital Appreciation Bond Maturity at the highest yield to 1992 Bondholders and invest from the Bond Fund in the amount of \$406,250.00 to mature in time for the December 1, 2007 Capital Appreciation Bond Maturity at the highest yield to 1992 Bondholders, is hereby approved and ratified; and be it further

RESOLVED: That the Manufacturers & Traders Trust Company be and it hereby is authorized to retain possession of the securities, in trust, for the Authority until further direction by the Authority's Comptroller.

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

ITEM 5 - RATIFICATION OF THE INVESTMENT OF FUNDS FROM THE MANUFACTURERS & TRADERS TRUST COMPANY, DEBT SERVICE FUND WATER WORKS SYSTEM REVENUE BONDS, SERIES 1993A - \$120,083.33

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, Susan Rinaldo, Cash Manager, advised under the date of March 2, 2007 that there was available on February 23, 2007 the following amounts in the Debt Service Fund Water Works System Revenue Bonds, Series 1993A:

Secondary Interest Account	\$74,852.73
Payment Account	\$45,230.60

and has recommended that the Manufacturers and Traders Trust Company, as Fiscal Agent, be authorized to invest the Secondary Interest Account in the amount of \$74,852.73 and Payment Account in the amount of \$45,230.60 in the Guaranteed Investment Contract to mature in time for the June 1, 2007 Interest Payment to bondholders and Swap Payment to AIG at the highest yield to maturity; and

WHEREAS, Inasmuch as the Authority does not have adequate safekeeping facilities for the aforementioned securities, the Comptroller recommends that the Manufacturers & Traders Trust Company be authorized to maintain possession of the securities, in trust, for the Authority for safekeeping purposes;

NOW, THEREFORE, BE IT RESOLVED:

That the action of Albert Meaney, Comptroller, in authorizing the Manufacturers & Traders Trust Company to invest from the Secondary Interest Account the amount of \$74,852.73 and Payment Account in the amount of \$45,230.60 in the Guaranteed Investment Contract to mature in time for the June 1, 2007 Interest Payment to bondholders and Swap Payment to AIG at the highest yield to maturity, is hereby approved and ratified; and be it further

RESOLVED: That the Manufacturers & Traders Trust Company be and it hereby is authorized to retain possession of the securities, in trust, for the Authority until further direction by the Authority's Comptroller.

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

ITEM 6 - RATIFICATION OF THE INVESTMENT OF FUNDS FROM THE MANUFACTURERS & TRADERS TRUST COMPANY, DEBT SERVICE FUND WATER WORKS SYSTEM REVENUE BONDS, SERIES 1993B - \$73,625.00

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, Susan Rinaldo, Cash Manager, advised under the date of March 2, 2007 that there was available on February 23, 2007 the following amounts in the Debt Service Fund Water Works System Revenue Bonds, Series, 1993B:

Secondary Interest Account	\$40,828.77
Payment Account	\$32,796.23

and has recommended that the Manufacturers & Traders Trust Company, as Fiscal Agent, be authorized to invest the Secondary Interest Account in the amount of \$40,828.77 and Payment Account in the amount of \$32,796.23 in the Guaranteed Investment Contract to mature in time for the June 1, 2007 Interest Payment to bondholders and Swap Payment to AIG at the highest yield to maturity; and

WHEREAS, Inasmuch as the Authority does not have adequate safekeeping facilities for the aforementioned securities, the Comptroller recommends that the Manufacturers & Traders Trust Company be authorized to maintain possession of the securities, in trust, for the Authority for safekeeping purposes;

NOW, THEREFORE, BE IT RESOLVED:

That the action of Albert Meaney, Comptroller, in authorizing the Manufacturers & Traders Trust Company to invest from the Secondary Interest Account the amount of \$40,828.77 and Payment Account in the amount of \$32,796.23 in the Guaranteed Investment Contract to mature in time for the June 1, 2007 Interest Payment to bondholders and Swap Payment to AIG at the highest yield to maturity, is hereby approved and ratified; and be it further

RESOLVED: That the Manufacturers & Traders Trust Company be and it hereby is authorized to retain possession of the securities, in trust, for the Authority until further direction by the Authority's Comptroller.

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

ITEM 7 - RATIFICATION OF THE INVESTMENT OF FUNDS FROM THE MANUFACTURERS & TRADERS TRUST COMPANY, DEBT SERVICE FUND WATER WORKS SYSTEM REVENUE REFUNDING BONDS, SERIES 1998A - \$50,840.41

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, Susan Rinaldo, Cash Manager advised under date of March 2, 2007 that there was available on March 1, 2007 the following amounts in the Debt Service Fund Water Works System Revenue Refunding Bonds, Series 1998A:

Principal Account	\$30,833.33
Interest Account	\$20,007.08

and has recommended that the Manufacturers & Traders Trust Company, as Fiscal Agent, be authorized to invest from the Interest Account, in the amount of \$20,007.08 to mature in time for the June 15, 2007 Interest Payment at the highest yield to maturity and invest from the Principal Account in the amount of \$30,833.33 to mature in time for the December 15, 2007 Principal Payment at the highest yield to maturity; and

WHEREAS, Inasmuch as the Authority does not have adequate safekeeping facilities for the aforementioned securities, the Comptroller recommends that the Manufacturers & Traders Trust Company be authorized to maintain possession of the securities, in trust, for the Authority for safekeeping purposes;

NOW, THEREFORE, BE IT RESOLVED:

That the action of Albert Meaney, Comptroller, in authorizing the Manufacturers & Traders Trust Company to invest from the Interest Account in the amount of \$20,007.08 to mature in time for the June 15, 2007 Interest Payment at the highest yield to maturity and to invest from the Principal Account in the amount of \$30,833.33 to mature in time for the December 15, 2007 Principal Payment at the highest yield to maturity, is hereby approved and ratified; and be it further

RESOLVED: That the Manufacturers & Traders Trust Company be and it hereby is authorized to retain possession of the securities, in trust, for the Authority until further direction by the Authority's Comptroller.

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

ITEM 8 - RATIFICATION OF THE INVESTMENT OF FUNDS FROM THE MANUFACTURERS & TRADERS TRUST COMPANY, DEBT SERVICE FUND WATER WORKS SYSTEM REVENUE REFUNDING BONDS, SERIES 1998B - \$112,761.56

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, Susan Rinaldo, Cash Manager advised under date of March 2, 2007 that there was available on March 1, 2007 the following amounts in the Debt Service Fund Water Works System Revenue Refunding Bonds, Series 1998B:

Interest Account	\$50,261.56
Principal Account	\$62,500.00

and has recommended that the Manufacturers & Traders Trust Company, as Fiscal Agent, be authorized to invest from the Interest Account, in the amount of \$50,261.56 to mature in time for the April 15, 2007 Interest Payment at the highest yield to maturity to 1998B Bondholders and Principal Account in the amount of \$62,500.00 to mature in time for the October 15, 2007 Principal Payment at the highest yield to maturity to 1998B Bondholders; and

WHEREAS, Inasmuch as the Authority does not have adequate safekeeping facilities for the aforementioned securities, the Comptroller recommends that the Manufacturers & Traders Trust Company be authorized to maintain possession of the securities, in trust, for the Authority for safekeeping purposes;

NOW, THEREFORE, BE IT RESOLVED:

That the action of Albert Meaney, Comptroller, in authorizing the Manufacturers & Traders Trust Company to invest from the Interest Account in the amount of \$50,261.56 to mature in time for the April 15, 2007 Interest Payment at the highest yield to maturity to 1998B Bondholders and to invest from the Principal Account in the amount of \$62,500.00 to mature in time for the October 15, 2007 Principal Payment at the highest yield to maturity to 1998B Bondholders, is hereby approved and ratified; and be it further

RESOLVED: That the Manufacturers & Traders Trust Company be and it hereby is authorized to retain possession of the securities, in trust, for the Authority until further direction by the Authority's Comptroller.

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

ITEM 9 - RATIFICATION OF THE INVESTMENT OF FUNDS FROM THE MANUFACTURERS & TRADERS TRUST COMPANY, DEBT SERVICE FUND WATER WORKS SYSTEM REVENUE REFUNDING BONDS, SERIES 2003F - \$92,944.53

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, Susan Rinaldo, Cash Manager advised under date of March 2, 2007 that there was available on March 1, 2007 the following amounts in the Debt Service Fund Water Works System Revenue Refunding Bonds, Series 2003F:

Interest Account	\$41,694.53
Principal Account	\$51,250.00

and has recommended that the Manufacturers & Traders Trust Company, as Fiscal Agent, be authorized to invest from the Interest Account, in the amount of \$41,694.53 to mature in time for the July 15, 2007 Interest Payment at the highest yield to maturity to 2003F Bondholders and invest from the Principal Account in the amount of \$51,250.00 to mature in time for the July 15, 2007 Principal Payment at the highest yield to maturity to 2003F Bondholders; and

WHEREAS, Inasmuch as the Authority does not have adequate safekeeping facilities for the aforementioned securities, the Comptroller recommends that the Manufacturers & Traders Trust Company be authorized to maintain possession of the securities, in trust, for the Authority for safekeeping purposes;

NOW, THEREFORE, BE IT RESOLVED:

That the action of Albert Meaney, Comptroller, in authorizing the Manufacturers & Traders Trust Company to invest from the Interest Account in the amount of \$41,694.53 to mature in time for the July 15, 2007 Interest Payment at the highest yield to maturity to 2003F Bondholders and invest from the Principal Account in the amount of \$51,250.00 to mature in time for the July 15, 2007 Principal Payment at the highest yield to maturity to 2003F Bondholders, is hereby approved and ratified; and be it further

RESOLVED: That the Manufacturers & Traders Trust Company be and it hereby is authorized to retain possession of the securities, in trust, for the Authority until further direction by the Authority's Comptroller.

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

ITEM 10 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH PIONEER CREDIT RECOVERY, INC. TO PROVIDE COLLECTION SERVICES TO COLLECT DELINQUENT ACCOUNTS RECEIVABLE

Motion by Mr. Warthling seconded by Mr. Swiatek

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 collection services to collect delinquent accounts receivable on December 28, 2006; and

WHEREAS, A copy of the RFP was sent to:

Gateway Financial Services, Inc.
Account Solutions Group
Mercantile Adjustment Bureau
Security Credit Systems
Z A C
Norstar LLC
Pioneer Credit Recovery, Inc.
Credex America
L H R, Inc.

Elite Recovery Services
Tice Associates, Inc.
Capital Management Services, Inc.
NCO Financial; and

WHEREAS, The respondents to the RFP were: Mercantile Adjustment Bureau, Pioneer Credit Recovery, Inc. and Credex America; 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 Pioneer Credit Recovery, Inc. provide collection services to collect delinquent accounts receivable; and

WHEREAS, Pioneer Credit Recovery, Inc. have committed to a three-year period to provide collection services, commencing with the execution of the agreement with a one or two year agreement renewal at the option of the Authority; and

WHEREAS, Edward J. Kasprzak, Deputy Director and Robert A. Mendez, Executive Director recommend that the Authority enter into an agreement with Pioneer Credit Recovery, Inc.;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority accepts the proposal of Pioneer Credit Recovery, Inc. to provide collection services to collect delinquent accounts receivable; 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 Pioneer Credit Recovery, Inc.

Ayes: Two; Commrs. Swiatek and Warthling (Commissioner Lichtenthal abstained)
Noes: None

**ITEM 11 - AUTHORIZATION TO SOLICIT REQUEST FOR PROPOSALS FOR
MICROWAVE RADIO MAINTENANCE SERVICES**

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, Pursuant to Article V, Title 3, Section 1053 of the Public Authorities Law, the Erie County Water Authority ("Authority") has the authority to contract for expert professional services; and

WHEREAS, Article III, Section 6 of the Authority's By-Laws grants to the Authority the right to contract for expert professional services; and

WHEREAS, The Authority deems it necessary to issue a Request for Proposal ("RFP") to qualified firms to provide microwave radio maintenance services; and

WHEREAS, The proposals received by the Authority will be evaluated in accordance with the terms of the RFP, and a professional services contract will be negotiated and executed with the successful offerer; and

WHEREAS, The RFP for microwave radio maintenance services 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, Matthew J. Baudo, Secretary to the Authority, will be the designated contact person for the RFP with the adoption of this resolution;

NOW, THEREFORE BE IT RESOLVED:

The Authority is hereby authorized to issue a RFP to qualified firms to provide microwave radio maintenance services.

Ayes: Three; Commrs. Swiatek, Lichtenthal and Warthling

Noes: None

ITEM 12 - AUTHORIZATION TO SOLICIT REQUEST FOR PROPOSALS FOR INFORMATION TECHNOLOGY CONSULTING AND SUPPORT SERVICES

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, Pursuant to Article V, Title 3, Section 1053 of the Public Authorities Law, the Erie County Water Authority ("Authority") has the authority to contract for expert professional services; and

WHEREAS, Article III, Section 6 of the Authority's By-Laws grants to the Authority the right to contract for expert professional services; and

WHEREAS, The Authority deems it necessary to issue a Request for Proposal ("RFP") to qualified firms to provide information technology consulting and support services; and

WHEREAS, The proposals received by the Authority will be evaluated in accordance with the terms of the RFP, and a professional services contract will be negotiated and executed with the successful offerer; and

WHEREAS, The RFP for information technology consulting and support services 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, Matthew J. Baudo, Secretary to the Authority, will be the designated contact person for the RFP with the adoption of this resolution;

NOW, THEREFORE BE IT RESOLVED:

The Authority is hereby authorized to issue a RFP to qualified firms to provide information technology consulting and support services.

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

**ITEM 13 - AWARD OF CONTRACT TO QUACKENBUSH CO., INC. FOR
CONTRACT NO. SW-004, CHESTNUT RIDGE AND GARTMAN PUMP
STATIONS, ORCHARD PARK, NEW YORK, PROJECT NO. 200600111 -
\$2,306,665.50**

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. SW-004, Chestnut Ridge and Gartman Pump Stations, Orchard Park, New York; and

WHEREAS, Sealed bids or proposals were opened in the office of the Authority on the 6th day of February, 2007, at 11:00 a.m., local time, and were as follows:

BIDDERS	AMOUNT
Quackenbush Co., Inc.	\$2,306,665.50*
STC Construction, Inc.	2,433,025.00
Kandey Company, Inc.	2,437,700.00
Strock Contracting, Inc.	2,618,984.00*
Mollenberg Betz, Inc.	2,740,925.00

*Corrected Figure; 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, Quackenbush 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, Stearns & Wheler, LLC, Consulting Engineers, Wesley C. Dust, P.E.,

Executive Engineer and Robert A. Mendez, Executive Director have reviewed the specifications and bids and determined that Quackenbush 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 Quackenbush 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 Contract No. SW-004, Chestnut Ridge and Gartman Pump Stations, Orchard Park, New York in the total amount of \$2,306,665.50; 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 14 - AWARD OF CONTRACT TO WESTERN NEW YORK CONTRACTORS, INC. FOR CONTRACT NO. WSA-6, WATER SYSTEM IMPROVEMENTS IN THE TOWN OF CHEEKTOWAGA, NEW YORK, PROJECT NO. 200600180 - \$815,200.00

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 24th day of January, 2007, and in Business First on the 26th day of January, 2007, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for Contract No. WSA-6, water system improvements in the Town of Cheektowaga, New York; and

WHEREAS, Sealed bids or proposals were opened in the office of the Authority on the 13th day of February, 2007, at 11:15 a.m., local time, and were as follows:

03/08/07

BIDDERS	AMOUNT
Western New York Contractors, Inc.	\$815,200.00*
Visone Construction, Inc.	838,585.00*
Kandey Company, Inc.	858,395.00
Milherst Construction	915,361.80
C. Destro Development Co., Inc.	916,200.00
Sergi Construction, Inc.	983,398.34

* Corrected Figure; 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, Western New York Contractors, 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, Wm. Schutt & Associates, P.C., Consulting Engineers, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director have reviewed the specifications and bids and determined that Western New York Contractors, 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 Western New York Contractors, 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 Contract No. WSA-6, water system improvements in the Town of Cheektowaga, New York in the total amount of \$815,200.00; 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 15 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE FURNISHING AND DELIVERING OF THE 2006 ANNUAL WATER QUALITY REPORT, PROJECT NO. 200700128

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, Matthew J. Baudo, Secretary to the Authority 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 the 2006 Annual Water Quality Report; 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 the 2006 Annual Water Quality Report 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, Daniel J. NeMoyer, Public Affairs Officer 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 the 2006 Annual Water Quality Report 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 16 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR 24-INCH DIAMETER JOINT REPAIRS, WATER SYSTEM IMPROVEMENTS, HAMBURG, NEW YORK, PROJECT NO. 200700014

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 24-inch diameter joint repairs, water system improvements, Hamburg, New York; 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 24-inch diameter joint repairs, water system improvements, Hamburg, New York 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, Robert Guggemos, Distribution 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 24-inch diameter joint repairs, water system improvements, Hamburg, New York 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 17 - APPROVAL OF MASTER PURCHASE ORDER AMENDMENT NO. 2 OF NATIONAL OVERHEAD DOOR COMPANY FOR REPAIR, SERVICE AND INSTALLATION WORK ON OVERHEAD DOORS AT VARIOUS LOCATIONS WITHIN THE ERIE COUNTY WATER AUTHORITY, MASTER PURCHASE ORDER NO. 200440 - \$10,000.00

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, The Erie County Water Authority ("Authority") has exercised its right to use the County contract with National Overhead Door Company for repair, service and installation work on overhead doors at various locations within the Authority for the period from January 1, 2006 through December 31, 2006; and

WHEREAS, The Authority was informed by the County of Erie Division of Purchasing that the bid for overhead door repairs has been extended with National Overhead Door Company for the year 2007; and

WHEREAS, Edward Kuwik, Sr. Distribution Engineer submitted Master Purchase Order Amendment No. 2 in the amount of \$10,000.00 to extend the Master Purchase Order for one year; and

WHEREAS, Paul H. Riester, Director of Administration, Wesley C. Dust, Executive Engineer and Robert A. Mendez, Executive Director recommend approval of said Master Purchase Order Amendment No. 2;

NOW, THEREFORE, BE IT RESOLVED:

That Master Purchase Order Amendment No. 2 of National Overhead Door Company to provide for the abovementioned change be approved; and be it further

RESOLVED: That the Budget Director be and he hereby is directed to make the necessary budgetary changes.

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

ITEM 18 - APPROVAL OF MASTER PURCHASE ORDER AMENDMENT NO. 1 OF JCI JONES CHEMICALS, INC. FOR THE FURNISHING AND DELIVERING OF SODIUM HYPOCHLORITE FOR THE PERIOD OF APRIL 1, 2006 THROUGH MARCH 31, 2007, MASTER PURCHASE ORDER NO. 200487

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, Heretofore and on the 25th day of January, 2006, the Erie County Water Authority ("Authority") solicited quotes for the furnishing and delivering of sodium hypochlorite for the period of April 1, 2006 through March 31, 2007; and

WHEREAS, JCI Jones Chemicals, Inc. was the low bidder; and

WHEREAS, The quote states that the bid will be for a one year period with the option to renew for an addition year; and

WHEREAS, JCI Jones Chemicals, Inc. submitted a letter dated February 12, 2007 requesting that this agreement be extended for the term of one year under the same terms and conditions; and

WHEREAS, Bob Niederpruem, Sr. Production Engineer submitted Master Purchase Order Amendment No. 1 to extend the agreement for one year; and

WHEREAS, Paul Riester, Director of Administration, Wesley C. Dust, Executive Engineer and Robert A. Mendez, Executive Director recommend approval of said Master Purchase Order Amendment No. 1;

NOW, THEREFORE, BE IT RESOLVED:

That Master Purchase Order Amendment No. 1 of JCI Jones Chemicals, Inc. to provide for the abovementioned change be approved; and be it further

RESOLVED: That the Budget Director be and he hereby is directed to make the necessary budgetary changes.

Ayes: Three; Commrs. Swiatek, Lichtenthal and Warthling

Noes: None

ITEM 19 - AUTHORIZATION FOR JAMES LISINSKI, COORDINATOR OF EMPLOYEE RELATIONS TO ATTEND THE 2007 NPELRA ANNUAL TRAINING CONFERENCE IN SCOTTSDALE, ARIZONA

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, The Erie County Water Authority deems it advisable for James Lisinski, Coordinator of Employee Relations to attend the 2007 NPELRA Annual Training Conference in Scottsdale, Arizona at a total estimated cost of \$2,200.00;

NOW, THEREFORE, BE IT RESOLVED:

That James Lisinski, Coordinator of Employee Relations be and he is hereby authorized to travel to Scottsdale, Arizona from April 22, 2007 to April 27, 2007 to attend the 2007 NPELRA Annual Training Conference at a total estimated cost of \$2,200.00.

Ayes: Three; Commrs. Swiatek, Lichtenthal and Warthling

Noes: None

ITEM 20 - AUTHORIZATION FOR EDWARD KASPRZAK, DEPUTY DIRECTOR AND SUSAN RINALDO, CASH MANAGER TO ATTEND THE NYS GFOA ANNUAL CONFERENCE IN ALBANY, NEW YORK

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, The Erie County Water Authority deems it advisable for Edward Kasprzak, Deputy Director and Susan Rinaldo, Cash Manager to attend the NYS GFOA Annual Conference in Albany, New York at a total estimated cost of \$1,600.00;

NOW, THEREFORE, BE IT RESOLVED:

That Edward Kasprzak, Deputy Director and Susan Rinaldo, Cash Manager be and they are hereby authorized to travel to Albany, New York from March 27, 2007 to March 30, 2007 to attend the NYS GFOA Annual Conference at a total estimated cost of \$1,600.00.

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

ITEM 21 - AUTHORIZATION FOR ROBERT NIEDERPRUEM, SR. PRODUCTION ENGINEER TO ATTEND THE AWWA "MUTUAL AID AND ASSISTANCE NETWORKS FOR WATER AND WASTEWATER UTILITIES" CONFERENCE IN CLEVELAND, OHIO

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, The Erie County Water Authority deems it advisable for Robert Niederpruem, Sr. Production Engineer to attend the AWWA "Mutual Aid and Assistance Networks for Water and Wastewater Utilities" Conference in Cleveland, Ohio at a total estimated cost of \$300.00;

NOW, THEREFORE, BE IT RESOLVED:

That Robert Niederpruem, Sr. Production Engineer be and he is hereby authorized to travel to Cleveland, Ohio from March 14, 2007 to March 15, 2007 to attend the AWWA "Mutual Aid and Assistance Networks for Water and Wastewater Utilities" Conference at a total estimated cost of \$300.00.

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

ITEM 22 - CREATE ONE POSITION OF PUMP MECHANIC (ECWA)

Motion by Mr. Lichtenthal seconded by Mr. Warthling and carried that the Erie County Water Authority ("Authority") creates and establishes one position of Pump Mechanic (ECWA) under the title and duties presently set forth in the Authority's Classification Plan, to be compensated under Annual Salary Grade No. 6B, Step 1 of the Authority's Career and Salary Plan effective March 8, 2007.

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

**ITEM 23 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER
AUTHORITY'S TARIFF**

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, The Erie County Water Authority ("Authority") is a non-profit public benefit corporation and is required by its Charter and Tariff to set rates that cover its costs and insure that no one type of service is subsidized by another; and

WHEREAS, The Act creating the Authority and the General Bond Resolutions establishing issuance of all Authority bonds mandate: that the Authority maintain rates and fees sufficient to operate and maintain the waterworks system; to pay the principal and interest on its Revenue Bonds as they become due and payable; and to maintain reserves for capital improvements as well as for all obligations and indebtedness of the Authority; and

WHEREAS, The Authority's Senior Staff has the responsibility to review, analyze and make recommendations relative to charges and procedures contained in the Authority's Tariff; and

WHEREAS, Various department heads have conducted this review and have recommended amendments to the Authority's Tariff; and

WHEREAS, James M. Byron, Budget Director, Wesley C. Dust, Executive Engineer and Robert A. Mendez, Executive Director have reviewed the above recommendations and changes and concur with them; and

WHEREAS, Mark J. Fuzak, Attorney has also reviewed all these recommendations and changes and concurs with them; and

WHEREAS, After considering all the above recommendations, the Authority has determined that for the best interest of the public to maintain its quality water supply that the Tariff should be amended as set forth in the attached Schedule "A";

NOW, THEREFORE, BE IT RESOLVED:

That the Authority's Tariff, as previously amended, is hereby revised and amended in accordance with Schedule "A" attached hereto and made part hereof, to become effective at 12:01 a.m. April 1, 2007; and be it further

RESOLVED: That the Secretary to the Authority or in his absence the Assistant Secretary is hereby authorized and directed to file in the office of the Clerk of the County of Erie a duly certified copy of this resolution along with a copy of the revised pages to the Tariff and to publish a copy of this resolution authorizing the abovementioned changes in the Buffalo News and the Buffalo Law Journal pursuant to Section 1054, Subdivision 10, of the Public Authorities Law; and be it further

RESOLVED: That the Secretary or in his absence the Assistant Secretary, is further directed to forward a copy of this resolution along with a copy of the revised pages of the Tariff to the Town, Village or City Clerks of each of the towns, villages or cities receiving water from the Authority and that the Secretary or in his absence the Assistant Secretary is further directed to furnish a duly certified copy of this resolution along with a copy of the revised pages of the Tariff to all Fiscal Agents named in the Authority's Bond Resolutions.

Ayes: Three; Commrs. Swiatek, Lichtenthal and Warthling

Noes: None

SCHEDULE "A"
AMENDMENTS TO THE ERIE COUNTY WATER AUTHORITY'S TARIFF
TO BECOME EFFECTIVE AT 12:01 A.M. APRIL 1, 2007

UNDERLINED PORTIONS INDICATE NEW MATERIAL
PORTIONS IN BRACKETS [] INDICATE DELETIONS

6.00 INSTALLATION OF METERS

6.06 Where a meter cannot be set in the basement of the premises to be served or where the distance from the property line to the front wall of the premises is more than one hundred and fifty (150) feet, the Authority reserves the right to require that the meter or meters be set at or near the property line of the premises to be served. Meters under one and one-half (1-1/2") inches in diameter shall be installed in a tile setting provided by the Authority at a cost of [seven hundred and fifty (\$750.00)] one thousand three hundred (\$1,300.00) dollars, to be paid by the applicant in advance.

13.00 CLASSIFICATION RATES
AND CHARGES

SERVICE CLASSIFICATION NO. 1-A

13.02 WATER SERVICE CONNECTION FEES

APPLICABILITY:

All water service connections for general metered purposes under Service Classification No. 1, except those to lots whose water service connections were not installed by the Authority.

RATE:

<u>SIZE OF CONNECTION</u>	<u>CONNECTION CHARGE</u>
Equal to or less than 1 inch	[\$1,150.00] <u>1,400.00</u>
Greater than 1 inch but not over 2 inches	[1,900.00] <u>2,400.00</u>
Over 2 inches	AT COST

**ITEM 24 - 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 (the "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, In another resolution dated November 2, 2006, the Authority deemed it advisable to provide all Managerial/Confidential employees a salary increase for the term of one year, effective April 1, 2006; and in a resolution dated December 28, 2006, the Authority adopted the wage and fringe benefits for those employees in the White Collar Bargaining Unit according to the provisions contained in the new Collective Bargaining Agreement for the period of April 1, 2006 through March 31, 2008; and

WHEREAS, The funding of the wage increases provided for in the two resolutions requires the budget transfer of \$238,060 from General Expense to various salary and wage line items in the Authority's 2007 Budget; and

WHEREAS, The Authority desires to amend the 2007 Annual Budget by transferring \$238,060 from General Expense to various salary and wage line items in the Authority's 2007 Budget; and

WHEREAS, Robert A. Mendez, Executive Director, Edward J. Kasprzak, Deputy Director, and James M. Byron, Budget Director, 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 \$238,060 from General Expense to various salary and wage line items in the Authority's 2007 Budget.

Ayes: Three; Commrs. Swiatek, Lichtenthal and Warthling

Noes: None

ITEM 25 - 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 (the "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's 2007 Budget contains a new position of Pump Operator, the annual wage for which position was estimated to be, at budget preparation time, \$39,731; and

WHEREAS, After consultation with the Erie County Personnel Department, and a review of the job duties of Pump Mechanic, it was determined that the proper placement of this position should be in Grade 6B of the Blue-Collar Hourly Pay Grades contained in the current Collective Bargaining Agreement between the Authority and AFSCME Local 930, which position has a starting wage of \$44,013; and

WHEREAS, The Authority desires to amend the 2007 Annual Budget by the placement of the position of Pump Mechanic into Blue-Collar Hourly Pay Grade 6B, as described above, and by increasing the starting wage of said position, accordingly, from \$39,731 per annum, to \$44,013 per annum; and

WHEREAS, Robert A. Mendez, Executive Director, Edward J. Kasprzak, Deputy Director, Matthew J. Baudo, Secretary to the Authority, and Wesley 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 the placement of the position of Pump Mechanic into Blue-Collar Hourly Pay Grade 6B, as described above, and by increasing the starting wage of said position, accordingly, from \$39,731 per annum, to \$44,013 per annum.

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

ITEM 26 - 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 15-24 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 27 - 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 25 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 28 - SERVICE CONNECTION WORK ORDER LIST:

Motion by Mr. Lichtenthal seconded by Mr. Warthling and carried to approve Service Connection Work Order Nos. 07-09 and 07-10, 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.

Motion by Mr. Lichtenthal seconded by Mr. Warthling at 4:25 p.m. and carried to adjourn regular meeting and enter into Executive Session.

Motion by Mr. Lichtenthal seconded by Mr. Swiatek at 6:10 p.m. and carried to adjourn Executive Session and reconvene regular meeting.

VIII. - ADJOURNMENT

Meeting adjourned until the next regular meeting to be held on Thursday, March 22, 2007 at 4:00 p.m.

Matthew J. Baudo
Secretary to the Authority

PF