

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 350 Ellicott Square Building, Buffalo, New York, on the 2nd day of May, 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
Albert J. Meaney, Comptroller
Susan L. Rinaldo, Cash Manager
Karen A. Prendergast, Manager of Accounting Services

ATTENDEES: Michael Rosich

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, April 19, 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, April 19, 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 \$19,500.00 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 1-17 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 (RESOLUTIONS 3-4)

VII. - NEW BUSINESS (RESOLUTIONS 5-13)

ITEM 3 - AUTHORIZATION TO REMOVE FROM THE TABLE THE AUTHORIZATION TO ENTER INTO A MEMORANDUM OF UNDERSTANDING OF LEASE MANAGED AGREEMENT WITH THE TOWN OF EVANS

Motion by Mr. Lichtenthal seconded by Mr. Warthling and carried to remove from the table the authorization to enter into a Memorandum of Understanding of Lease Managed Agreement with the Town of Evans.

Ayes: Three; Commrs. Swiatek, Lichtenthal and Warthling

Noes: None

ITEM 4 - AUTHORIZATION TO ENTER INTO A MEMORANDUM OF UNDERSTANDING OF LEASE MANAGED AGREEMENT WITH THE TOWN OF EVANS

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, The Erie County Water Authority ("Authority") and the Town Board of the Town of Evans ("Town") acting as Water Commissioners on behalf of the duly constituted Water Districts of the Town of Evans entered into a Bulk Sales Agreement ("Agreement") on March 4, 2002 until March 4, 2012 subject to further renewals; and

WHEREAS, The Town is currently the owner, operator and manager of water facilities and assets within the Town; and

WHEREAS, The Town desires to become a lease managed customer of the Authority; and

WHEREAS, A Feasibility Report outlining the possible consolidation of the Town's water system with the Authority under a lease managed agreement was completed in May, 2005; and

WHEREAS, An Engineering Report in July, 2005 was also developed that further discussed the proposed consolidation between the Town and the Authority; and

WHEREAS, These reports completed an inventory of the existing Town's water system and compared it to the Authority standards required for a lease managed system and outlined the necessary improvements to the systems; and

WHEREAS, The Authority and the Town mutually agree that the necessary improvements needed to meet the minimum standards of the Authority under a lease managed agreement as outlined in the above Reports must be made before entering into a Lease Managed Agreement with the Authority; and

WHEREAS, The Town has submitted a Memorandum of Understanding of Lease Managed Agreement outlining the intent of the proposed project and responsibilities of both Authority and the Town; and

WHEREAS, Under the date of April 18, 2007, the Town, by resolution, authorized execution of the Memorandum of Understanding of Lease Managed Agreement; and

WHEREAS, Wesley C. Dust, Executive Engineer and Robert A.. Mendez, Executive Director recommend entering into a Memorandum of Understanding of Lease Managed Agreement with the Town of Evans;

NOW, THEREFORE, BE IT RESOLVED:

That the Chairman be and he hereby is authorized to execute said Memorandum of Understanding of Lease Managed Agreement with the Town of Evans; 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 the Town of Evans.

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

ITEM 5 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH TVGA CONSULTANTS TO RENDER PROFESSIONAL ENGINEERING SERVICES FOR WATER SYSTEM IMPROVEMENTS IN THE TOWNS OF AMHERST, CHEEKTOWAGA AND HAMBURG, VILLAGES OF DEPEW AND LANCASTER AND CITY OF LACKAWANNA, NEW YORK, IDENTIFIED AS CONTRACT NO. T-021, PROJECT NO. 200700319 AT A TOTAL ENGINEERING COST OF \$295,783.00

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, Heretofore and on the 28th day of December, 2006, 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 engineering services for waterline replacement projects for years 2007 and 2008 consisting of three new waterline replacement projects and one large valve replacement project for design in year 2007 and construction in 2008; and

WHEREAS, A copy of the RFP was sent to:

TVGA,
Greenman-Pedersen
Clough, Harbour & Associates, LLP
Erdman Anthony

Watts Architecture & Engineering, P.C.
C&S Engineers
DiDonato Associates Engineering & Architecture, P.C.
EI Team, Inc.; and

WHEREAS, Proposals were received from all eight firms; 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, After review by the Authority's Engineering staff the four firms selected were TVGA, Clough, Harbour & Associates, LLP, DiDonato Associates Engineering & Architecture, P.C. and EI Team, Inc.; and

WHEREAS, One of the three waterline replacement projects is water system improvements in the Towns of Amherst, Cheektowaga and Hamburg, Villages of Depew and Lancaster and City of Lackawanna, New York; and

WHEREAS, The Authority deems it advisable to have TVGA Consultants render professional engineering services for Contract No. T-021, design and construction of 8-inch watermains along various roads in the Authority's Direct Service Area; and

WHEREAS, The Authority agrees to pay TVGA Consultants for services described in said proposal in accordance with the terms as outlined in Section 3 of said proposal entitled Payment for Services; and

WHEREAS, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend acceptance of said proposal by the Authority

NOW, THEREFORE, BE IT RESOLVED:

That the Authority accepts the proposal of TVGA to render professional engineering services for water system improvements in the Towns of Amherst, Cheektowaga and Hamburg, Villages of Depew and Lancaster and City of Lackawanna, New York, identified as Contract No. T-021, under the terms and conditions set forth in said proposal; 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 TVGA Consultants.

Ayes: Three; Commrs. Swiatek, Lichtenthal and Warthling

Noes: None

ITEM 6 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC TO RENDER AN ENVIRONMENTAL SITE ASSESSMENT AT THE ERIE COUNTY WATER AUTHORITY'S LEDYARD PUMP STATION IN THE VILLAGE OF DEPEW, IDENTIFIED AS CONTRACT NO. BE-001, PROJECT NO. 200700222 FOR A TOTAL ENGINEERING COST OF \$36,950.00

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, Heretofore and on the 28th day of December, 2006 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 environmental services to provide an environmental site assessment of the abandoned Ledyard Pump Station in the Village of Depew, New York; and

WHEREAS, A copy of the RFP was sent to:

Watts Architecture & Engineering, P.C.
Foit-Albert
Ecology & Environment
Cough Harbour & Associates
EI Team
Benchmark Environmental Engineering & Science, PLLC
TVGA; and

WHEREAS, The respondents to the RFP were: Watts Architecture & Engineering, P.C., Foit-Albert, Ecology & Environment, Clough Harbour & Associates, EI Team and Benchmark Environmental Engineering & Science, PLLC ("Benchmark"); 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 Benchmark provide the Authority with an environmental site assessment of the abandoned Ledyard Pump Station in the Village of Depew, New York; and

WHEREAS, Wesley C. Dust, Executive Engineer and Robert A. Mendez, Executive Director recommend that the Authority enter into an agreement with Benchmark for a total engineering cost of \$36,950.00;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority accepts the proposal of Benchmark to provide the Authority with an environmental site assessment of the abandoned Ledyard Pump Station in the Village of Depew, New York; 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 Benchmark.

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

ITEM 7 - AUTHORIZATION TO ACCEPT THE CONSTRUCTION AND INSTALLATION OF 1,000 L.F. OF EIGHT (8") INCH PVC PIPE, TWO HYDRANTS, FIVE VALVES AND APPURTENANCES IN EMERALD GARDENS SUBDIVISION, PHASE 3, TOWN OF CHEEKTOWAGA, NEW YORK, EC NOS. 4549 & 4550, PROJECT NO. 200500316

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, The Erie County Water Authority ("Authority"), by resolution dated June 9, 1994, identified as Item No. 44, of the Minutes of that meeting, accepted the proposal of Diamond "D" Construction Corporation for the construction and installation of approximately 714 l.f. of 12-inch DIP, 1,508 l.f. of 12" PVC, 5,130 l.f. of eight-inch PVC watermain and 14 hydrants in Emerald Garden Subdivision, New York, identified by Work Authorization Nos. 4549 & 4550; and

WHEREAS, The Bill of Sale dated April 2, 2007, the Schedule of Inventory dated April 2, 2007 have been approved by Wesley C. Dust, Executive Engineer and Mark J. Fuzak, Counsel and the construction of 1,000 l.f. of eight (8") inch PVC pipe, two hydrants, five valves and appurtenances in Emerald Gardens Subdivision, Phase 3 have been installed in accordance with the specifications of the Authority as certified to by Lynn Gorski; and

WHEREAS, The Division of Environmental Health of the Health Department of the County of Erie has under approved the completed works for public water supply improvement for Emerald Gardens Subdivision; and

WHEREAS, Albert J. Meaney, Comptroller has reviewed the costs of the main and hydrants and finds them reasonable and correct; and

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

NOW, THEREFORE, BE IT RESOLVED:

That the Authority accept the construction and installation of 1,000 l.f. of eight (8") inch PVC pipe, two hydrants, five valves and appurtenances in Emerald Gardens Subdivision, Phase 3, and said main, hydrants and valves be added to the property records of the Authority.

Ayes: Three; Commrs. Swiatek, Lichtenthal and Warthling

Noes: None

ITEM 8 - AWARD OF CONTRACT TO JOS. A. SANDERS & SONS, INC. FOR ROOF REPLACEMENTS, SERVICE CENTER - SOUTH GARAGE, PROJECT NO. 200700024 - \$191,952.00

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 7th day of March, 2007, and in Business First on the 9th day of March, 2007, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for Roof Replacements, Service Center - South Garage; and

WHEREAS, Sealed bids or proposals were opened in the office of the Authority on the 27th day of March, 2007, at 11:00 a.m., local time, and were as follows:

BIDDERS	AMOUNT
Jos. A. Sanders & Sons, Inc.	\$191,952.00
Progressive Roofing, Inc.	239,424.00; 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, Jos. A. Sanders & Sons, 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 Jos. A. Sanders & Sons, 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 Jos. A. Sanders & Sons, 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 Roof Replacements, Service Center - South Garage in the total amount of \$191,952.00; 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 9 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE FURNISHING AND DELIVERING OF ONE (1) NEW AND UNUSED BACKHOE TRAILER (ECWA VEHICLE NO. 704), PROJECT NO. 200700031

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 one new and unused backhoe trailer (ECWA Vehicle No. 704); 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 one new and unused backhoe trailer (ECWA Vehicle No. 704) 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 furnishing and delivering of one new and unused backhoe trailer (ECWA Vehicle No. 704); 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 10 - APPROVAL OF AMENDMENT NO. 1 OF CLOUGH, HARBOUR & ASSOCIATES, LLP TO RENDER PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN AND CONSTRUCTION OF LARGE VALVE REPLACEMENTS, IDENTIFIED AS CONTRACT NO. CH-002, PROJECT NO. 200600163 - \$1,700.00

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, Heretofore and on the 25th day of May, 2006, the Erie County Water Authority ("Authority") entered into an agreement with Clough, Harbour & Associates, LLP for professional services rendered for the design and construction of large valve replacements, identified as Contract No. CH-002; and

WHEREAS, Said consultant has submitted Amendment No. 1 in the sum of \$1,700.00 to include an additional engineering service to consist of the preparation of the fair market appraisal value for the water system in the Kensington Village Apartments along Kenville Road in the Town of Cheektowaga; and

WHEREAS, The reason for said change is because the Kensington Village Apartments has expressed interest in purchasing the water system in the vicinity of Kenville Road and Betty Lane from the Authority; 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 Clough, Harbour & Associates, LLP in the amount of \$1,700.00 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 11 - 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 18-35 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 - 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 sheets pages 36-37 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 13 - SERVICE CONNECTION WORK ORDER LIST:

Motion by Mr. Lichtenthal seconded by Mr. Warthling and carried to approve Service Connection Work Order Nos. 07-17 and 07-18, 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, May 19, 2007 at 4:00 p.m.

Matthew J. Baudo
Secretary to the Authority

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05/02/07