

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 350 Ellicott Square Building, Buffalo, New York, on the 14th day of June, 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
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

ATTENDEES: **Joseph Matteliano**

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, May 31, 2007.

III. - APPROVAL OF MINUTES

Motion by Mr. Lichtenthal seconded by Warthling and carried to approve the Minutes of the Meeting held on Thursday, May 31, 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 1-20 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 COOPERATIVE AGREEMENT WITH THE TOWN OF WEST SENECA IN CONNECTION WITH THE RECONSTRUCTION PROJECT ON KNOX AVENUE, TOWN OF WEST SENECA, NEW YORK

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, The Town of West Seneca ("Town") has initiated plans to undertake the reconstruction of Knox Avenue in the Town of West Seneca, New York; and

WHEREAS, The Erie County Water Authority ("Authority") intends to replace the existing watermain presently located on Knox Avenue during the reconstruction project by the Town; and

WHEREAS, The Town and the Authority desire to enter into a Cooperative Agreement to coordinate and facilitate the reconstruction project and the watermain replacement project on Knox Avenue in order to achieve cost containment and efficiency; and

WHEREAS, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend entering into a Cooperative Agreement with the Town;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority accepts the Cooperative Agreement between the Town and the Authority to coordinate and facilitate the reconstruction project and the watermain replacement project on Knox Avenue in order to achieve cost containment and efficiency; 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 the Town.

Ayes: Three; Commrs. Swiatek, Lichtenthal and Warthling

Noes: None

ITEM 3 - AUTHORIZATION TO ACCEPT PROPOSAL OF CITY OF LACKAWANNA FOR THE INSTALLATION OF APPROXIMATELY 690 LINEAR FEET OF EIGHT-INCH DIAMETER CLASS 52 DUCTILE IRON PIPE, TWO HYDRANTS AND APPURTENANCES ON ALBRIGHT COURT, CITY OF LACKAWANNA, EC NO. 5696, PROJECT NO. 200600626

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, The Erie County Water Authority ("Authority") desires to enter into a Main Extension Agreement (Builder-Contractor-Developer) with the City of Lackawanna for the installation of approximately 690 l.f. of 8-inch diameter class 52 ductile iron pipe, two hydrants and appurtenances in Albright Court, City of Lackawanna; and

WHEREAS, The materials, work, labor and services for said installation shall be supplied and paid for by the applicant; and

WHEREAS, Said installation of main and hydrants has been assigned Work Authorization No. EC 5696; and

WHEREAS, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director advised that the materials, work, labor and services for said installations, as proposed to be supplied and installed by the applicant, meet with the Authority's specifications;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority accepts the proposal with the City of Lackawanna for the installation of approximately 690 l.f. of 8-inch diameter class 52 ductile iron pipe, two hydrants and appurtenances in Albright Court, City of Lackawanna, New York; and be it further

RESOLVED: That the Chairman be and he hereby is authorized to execute said Main Extension Agreement (Builder-Contractor-Developer) between the Authority and the City of Lackawanna covering the abovementioned subdivision.

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

ITEM 4 - AWARD OF CONTRACT TO KEMIRA WATER SOLUTIONS, INC. FOR THE FURNISHING AND DELIVERING OF POLYALUMINUM CHLORIDE COAGULANT TO THE ERIE COUNTY WATER AUTHORITY FOR THE TREATMENT OF WATER FOR THE PERIOD OF JULY 1, 2007 THROUGH JUNE 30, 2009, PROJECT NO. 200700116 - \$784,000.00

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 18th day of April, 2007, and in Business First on the 20th day of April, 2007, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for the furnishing and delivering of polyaluminum chloride coagulant to the Erie County Water Authority for the treatment of water for the period of July 1, 2007 through June 30, 2009; and

WHEREAS, A sealed bid or proposal was opened in the office of the Authority on the 1st day of May, 2007, at 11:00 a.m., local time, and was as follows:

BIDDER	AMOUNT
Kemira Water Solutions, Inc.*	\$784,000.00

* Only bid received; and

WHEREAS, The certified check has been approved by Anthony Alessi, Claims Representative/Risk Manager; and

WHEREAS, Tamekia Hall, Director of Equal Employment Opportunity, has advised that the low bidder, Kemira Water Solutions, 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 specification and bid and determined that Kemira Water Solutions, Inc. is a responsible 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:

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That it is hereby determined that Kemira Water Solutions, Inc. is a 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 furnishing and delivering of polyaluminum chloride coagulant to the Erie County Water Authority for the treatment of water for the period of July 1, 2007 through June 30, 2009 in the total amount of \$784,000.00; 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 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 5 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR EMERGENCY WATERMAIN REPAIR CONTRACT FOR THE PERIOD OF AUGUST 1, 2007 THROUGH JULY 31, 2009, PROJECT NO. 200700495

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 Emergency Watermain Repair Contract for the period of August 1, 2007 through July 31, 2009; 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 Emergency Watermain Repair Contract for the period of August 1, 2007 through July 31, 2009 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, James K. Ehrin, 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 Emergency Watermain Repair Contract for the period of August 1, 2007 through July 31, 2009 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 6 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR CONTRACT NO. WE-3B, 2007 RENOVATION & IMPROVEMENT PROJECTS, SERVICE CENTER, LEYDECKER ROAD PUMP STATION, STURGEON POINT TREATMENT PLANT , PROJECT NO. 200700126

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 Contract No. WE-3B, 2007 Renovation & Improvement Projects, Service Center, Leydecker Road Pump Station, Sturgeon Point Treatment Plant; 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 Contract No. WE-3B, 2007 Renovation & Improvement Projects, Service Center, Leydecker Road Pump Station, Sturgeon Point Treatment Plant 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, Watts Architecture & Engineering, P.C., Consulting Engineers will be the designated contact 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 Contract No. WE-3B, 2007 Renovation & Improvement Projects, Service Center, Leydecker Road Pump Station, Sturgeon Point Treatment Plant 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 7 - APPROVAL OF AMENDMENT NO. 2 OF NUSSBAUMER & CLARKE, INC. TO RENDER PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH IMPROVEMENTS TO THE PUMPING EQUIPMENT FOR THE VAN DE WATER RAW WATER PUMP STATION, VAN DE WATER TREATMENT PLANT DELIVERED WATER PUMPS AND FILTER WASTEWATER PUMPS, BALL PUMP STATION AND ELECTRICAL SYSTEM IMPROVEMENTS AT STURGEON POINT WATER TREATMENT PLANT, IDENTIFIED AS CONTRACT NO. NC-026, PROJECT NO. 200000374 - \$14,750.00

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, Heretofore and on the 19th day of April, 2001, the Erie County Water Authority (the "Authority") entered into an agreement with Nussbaumer & Clarke, Inc. to the design and construction of improvements to the pumping equipment for the Van de Water Raw Water Pump Station, the Van de Water Treatment Plant Delivered Water Pumps and Filter Wastewater Pumps and the Ball Pump Station and the replacement of several motor control centers at the Sturgeon Point Treatment Plant, identified as Contract No. NC-026; and

WHEREAS, Said consultant has submitted Amendment No. 2 in the sum of \$14,750.00 for additional Engineering Services for preparing the required documentation for the New York State Energy Research and Development Authority Tier III Performance-Based Incentives for Energy Efficiency; and

WHEREAS, The reason for said change is because the New York State Energy Research and Development Authority provides incentive payments for projects delivering verifiable annual energy savings; and

WHEREAS, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend approval of said Amendment No. 2;

NOW, THEREFORE, BE IT RESOLVED:

That Amendment No. 2 of Nussbaumer & Clarke, Inc. in the amount of \$14,750.00 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. 2 on behalf of the Authority.

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

ITEM 8 - APPROVAL OF MASTER PURCHASE ORDER AMENDMENT NO. 2 OF GOODYEAR SERVICE STORES FOR THE FURNISHING OF TIRES FOR VARIOUS ERIE COUNTY WATER AUTHORITY VEHICLES, MASTER PURCHASE ORDER NO. 200442 - \$65,000.00

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, The Erie County Water Authority ("Authority") has exercised its right to use Goodyear Service Stores off the New York State Contract, Award No. 30600/PC61334, to provide the Authority with tires for various Authority vehicles, identified as Master Purchase Order No. 200442; and

WHEREAS, The State Contract has been extended to July 31, 2009; and

WHEREAS, Edward J. Kuwik, Sr. Distribution Engineer submitted Master Purchase Order Amendment No. 2 in the amount of \$65,000.00 to increase the total dollar value of the Master Purchase Order to cover the purchase of tires; 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 Goodyear Service Stores 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 9 - AUTHORIZATION TO GRANT LEAK ALLOWANCE REQUEST -
\$5,472.43**

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, Edward J. Kasprzak, Deputy Director advised the Authority that he has received a leak allowance request from an Authority customer listed below resulting from a service line leak:

- 1) Pearce & Pearce d/b/a
Bowden Square Apts.
1280 North Forest Road
Williamsville, NY 14221-3263
\$5,472.43; and

WHEREAS, Edward J. Kasprzak, Deputy Director advised that the request contains documentation showing that the leak has been repaired; and

WHEREAS, Said leak allowance request has complied with all leak allowance requirements; and

WHEREAS, As stated in Section 9.09 of the Authority's Tariff, the granting of a leak allowance shall be in the sole discretion of the Authority; and

WHEREAS, Edward J. Kasprzak, Deputy Director recommends granting the above leak allowance request; and

WHEREAS, Robert A. Mendez, Executive Director concurs with said recommendation;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority grant the leak allowance request to the abovementioned customer; and be it further

RESOLVED: That the Comptroller is hereby authorized and directed to adjust the account of the abovementioned customer.

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 21-32 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 33 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. 07-23 and 07-24, 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, June 28, 2007 at 4:00 p.m.

Matthew J. Baudo
Secretary to the Authority

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