

**MINUTES** of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held at Joseph's Country Manor & Grove, 275 Columbia Avenue, Depew, New York, on the 17th day of July, 2007.

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

**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, June 28, 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, June 28, 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 1-18 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 2-30)**

**ITEM 2 - FINAL ACCEPTANCE OF PROJECT WITH TRIPLE R DEVELOPMENT OF WNY, INC. FOR SMALL SERVICES CONTRACT AREA NO. 1 FOR THE PERIOD FEBRUARY 1, 2005 THROUGH JANUARY 31, 2007, PROJECT NO. 200500003, CONTRACT NO. 05-02-01 - \$45,273.30**

Motion by Mr. Lichtenthal seconded by Mr. Warthling

**WHEREAS**, Heretofore and on the 18th day of January, 2005, the Erie County Water Authority ("Authority") entered into a contract with Triple R Development of WNY, Inc. for small services contract Area No. 1 for the period February 1, 2005 through January 31, 2007, identified as Contract No. 05-02-01; and

**WHEREAS**, Triple R Development of WNY, Inc. submitted the maintenance bond required to complete the contract; and

**WHEREAS**, Triple R Development of WNY, Inc. has submitted a final invoice in the amount of \$45,273.30; and

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

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

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

Ayes: Three; Commrs. Swiatek, Lichtenthal and Warthling

Noes: None

**ITEM 3 - AUTHORIZATION TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE CITY OF TONAWANDA IN CONNECTION WITH THE RECONSTRUCTION PROJECT ON VIRGINIA STREET, CITY OF TONAWANDA, NEW YORK**

Motion by Mr. Lichtenthal seconded by Mr. Warthling

**WHEREAS**, The City of Tonawanda ("City") has initiated plans to undertake the reconstruction of Virginia Street in the City of Tonawanda, New York; and

**WHEREAS**, The Erie County Water Authority ("Authority") intends to replace the existing watermain presently located on Virginia Street during the reconstruction project by the City; and

**WHEREAS**, The City and the Authority desire to enter into a Cooperative Agreement to coordinate and facilitate the reconstruction project and the watermain replacement project on Virginia Street 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 City;

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

That the Authority accepts the Cooperative Agreement between the City and the Authority to coordinate and facilitate the reconstruction project and the watermain replacement project on Virginia Street 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 City.

Ayes: Three; Commrs. Swiatek, Lichtenthal and Warthling

Noes: None

**ITEM 4 - AUTHORIZATION TO ENTER INTO A LEASE AGREEMENT WITH CENTRAL POLICE SERVICES FOR THE LEASING OF SPACE ON THE ERIE COUNTY WATER AUTHORITY'S NEWSTEAD TANK IN AKRON, NEW YORK**

Motion by Mr. Lichtenthal seconded by Mr. Warthling

**WHEREAS**, Central Police Services ("CPS") of Erie County desires to lease space on the Erie County Water Authority's ("Authority") water tank known as the Newstead Tank located on a parcel of land with a street address of 12790 Main Street, Akron, New York; and

**WHEREAS**, Paul H. Riester, Director of Administration, Ronald P. Bennett, Associate Counsel and Mark J. Fuzak, Counsel have negotiated a Lease Agreement with CPS for a term of five (5) years from the date hereof which will automatically renew for three (3) additional five (5) year terms; and

**WHEREAS**, The Authority understands that the antenna on the Newstead Tank is part of the emergency services system and is, therefore, a direct benefit in providing emergency services to the residents of the County of Erie; and

**WHEREAS**, CPS agrees to pay the Authority one dollar and no more annual rental for the premises and the Authority will incur and pay for the electrical expenses which are estimated to be approximately \$50 per month; and

**WHEREAS**, Paul H. Riester, Director of Administration, Wesley C. Dust, Executive Engineer and Robert A. Mendez, Executive Director recommend acceptance of said Lease Agreement by the Authority;

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

That the Authority enters into a Lease Agreement with CPS for the leasing of space on the Authority's Newstead Tank in Akron, New York under the terms and conditions set forth in said Lease Agreement; and be it further

**RESOLVED:** That the Chairman or in his absence, the Vice Chairman, be and he hereby is authorized to execute said Lease Agreement on behalf of the Authority; and be it

further

**RESOLVED:** That the Secretary or in his absence, the Assistant Secretary be and he hereby is authorized to forward an executed copy of said Lease Agreement together with a certified copy of this resolution to PCS.

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

**ITEM 5 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH HSQ TECHNOLOGY TO RENDER PROFESSIONAL SERVICES IN CONNECTION WITH SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) SYSTEM MAINTENANCE SERVICE FROM JUNE 1, 2007 TO MAY 31, 2008 AT A TOTAL COST OF \$18,180.00**

Motion by Mr. Lichtenthal seconded by Mr. Warthling

**WHEREAS,** The Erie County Water Authority ("Authority") entered into a Maintenance Service Agreement with HSQ Technology ("HSQ") to perform maintenance services at the Authority's site including testing, inspection and cleaning as necessary for the equipment obtained from HSQ for the Authority's SCADA system; and

**WHEREAS,** This agreement expired on May 31, 2007; and

**WHEREAS,** Robert A. Niederpruem, Sr. Production Engineer, advised that HSQ is the sole source for parts and service, and that the Authority has been pleased with the services performed by HSQ; and

**WHEREAS,** HSQ has submitted an agreement to perform the abovementioned services at the contract price of \$18,180.00 for a period of one year; and

**WHEREAS,** Robert A. Niederpruem, Sr. Production Engineer, Wesley C. Dust, Executive Engineer and Robert A. Mendez, Executive Director recommend acceptance of said agreement by the Authority;

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

That the Authority accepts the agreement of HSQ to render professional services in connection with Supervisory Control and Data Acquisition System maintenance services under the terms and conditions set forth in said agreement; 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 HSQ.

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

**ITEM 6 - AUTHORIZATION TO EXTEND THE LEASE AGREEMENT WITH  
GATEWAY TRADE CENTER, INC.**

Motion by Mr. Lichtenthal seconded by Mr. Warthling

**WHEREAS,** Pursuant to a resolution dated April 12, 1994 the Erie County Water Authority ("Authority") entered into a Lease Agreement ("Agreement") with Gateway Trade Center, Inc. ("Gateway") for laboratory space for a five year term; and

**WHEREAS,** Paragraph 4 of this Agreement states that the Authority shall have the right to renew this Lease for five successive renewal terms of one (1) years(s) each under all of the same terms, provisions and conditions as are contained in the Lease Agreement except for rental increases; and

**WHEREAS,** The Authority exercised its option to renew the lease from July 1, 1999 through June 30, 2000; July 1, 2000 through June 30, 2001 and July 1, 2001 through June 30, 2004; and

**WHEREAS,** Gateway submitted a three-year lease extension to the Lease Agreement for the period of July 1, 2004 through June 30, 2007; and

**WHEREAS,** Gateway submitted another lease extension to the Agreement for a two-year term for the period of July 1, 2007 through June 30, 2009; and

**WHEREAS**, The additional fixed rent shall increase as follows:

		<u>Biannually</u>
Year 1	July 1, 2007	\$18,554.05
	January 1, 2008	\$18,554.04
Year 2	July 1, 2008	\$19,481.75
	January 1, 2009	\$19,481.75; and

**WHEREAS**, Wesley C. Dust, Executive Engineer, Mark J. Fuzak, Counsel and Robert A. Mendez, Executive Director and recommend extending the Lease as stated above; and

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

That the Authority enter into a Lease Extension Agreement with Gateway for a period of two years from July 1, 2007 through June 30, 2009 with the fixed rent as stated above; and be it further

**RESOLVED:** That the Chairman be and he hereby is authorized to execute the extension to the Agreement with Gateway on behalf of the Authority; and be it further

**RESOLVED:** That the Secretary be and he hereby is authorized and directed to forward an executed copy of said lease agreement together with a certified copy of this resolution to Gateway.

Ayes: Three; Commrs. Swiatek, Lichtenthal and Warthling

Noes: None

**ITEM 7 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH SOUTHWORTH-MILTON, INC. FOR THE LEASING OF PORTABLE ELECTRIC GENERATORS AND TRANSFORMERS FOR VARIOUS ERIE COUNTY WATER AUTHORITY FACILITIES, IDENTIFIED AS CONTRACT NO. SMI-001, PROJECT NO. 200700523**

Motion by Mr. Lichtenthal seconded by Mr. Warthling

**WHEREAS**, The Erie County Water Authority ("Authority") authorized the issuance of a Request for Proposals ("RFP") to qualified firms for the leasing of portable electric generators and transformers for various Authority facilities; and

**WHEREAS,** The respondents to the RFP were: Penn Power Systems and Southworth-Milton, Inc.; 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 based on the criteria outlined in the RFP, the Authority deems it advisable to have Southworth-Milton, Inc. lease portable electric generators and transformers to the Authority for various Authority facilities; and

**WHEREAS,** Wesley C. Dust, Executive Engineer and Robert A. Mendez, Executive Director recommend that the Authority enter into an agreement with Southworth-Milton, Inc. for the leasing of portable electric generators and transformers for various Authority facilities; and

**WHEREAS,** The Authority agrees to pay Southworth-Milton, Inc. for services described in said proposal in accordance with the terms as outlined in Section 3 of said attached proposal entitled Payment for Services; and

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

That the Authority accepts the proposal of Southworth-Milton, Inc. for the leasing of portable electric generators and transformers to the Authority for various Authority facilities; 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 Southworth-Milton, Inc.

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



**ITEM 8 - AUTHORIZATION TO ENTER INTO A SUPPLEMENTAL AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR US ROUTE 20A, BIG TREE ROAD, SH 1066, CAZENOVIA CREEK CROSSING, WEST OF JEWITT HOLMWOOD ROAD, TOWN OF AURORA, ERIE COUNTY, PROJECT NO. 200100035, IDENTIFIED AS PIN NO. 5010.18 - \$5,756.38**

Motion by Mr. Lichtenthal seconded by Mr. Warthling

**WHEREAS**, By Erie County Water Authority ("Authority") resolution dated December 19, 2002, the Authority entered into a Preliminary Utility Work Agreement with the New York State Department of Transportation ("NYSDOT") for US Route 20A, Big Tree Road, SH 1066, Cazenovia Creek Crossing, west of Jewitt Holmwood Road, Town of Aurora, Erie County, identified as PIN No. 5010.18 at a total estimated cost of \$4,051.00, which amount was to be reimbursed to the Authority by the NYSDOT; and

**WHEREAS**, By resolution identified as Item No. 8 of the Minutes of the Meeting of January 30, 2003, the Authority entered into an Agreement in Connection with Cost of Relocating Municipally Owned Facilities Maintained for Public Use (Subdivision 24, Section 10 of the Highway Law) in an amount not to exceed \$4,051.00; and

**WHEREAS**, Under date of June 18, 2007, Scott McKay, Regional Utilities Engineer for the NYSDOT advised the Authority that the sum of \$4,051.00 set forth in said agreement dated March 17, 2003 is inadequate and requested the Authority execute a Supplemental Agreement in connection with the Cost of Relocating Municipally Owned Facilities Maintained for Public Use, which proposed an increase from \$4,051.00 to \$5,756.38; and

**WHEREAS**, Wesley C. Dust, P.E., Executive Engineer, and Robert A. Mendez, Executive Director concur with the corrected amount of \$5,756.38 and recommends that the Supplemental Agreement be executed by the Authority;

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

That the Chairman be and he hereby is authorized and directed and directed to enter into a Supplemental Agreement in Connection with Cost of Relocating Municipally Owned Facilities Maintained for Public Use with the NYSDOT covering US Route 20A, Big Tree Road, SH 1066, Cazenovia Creek Crossing, west of Jewitt Holmwood Road, Town of Aurora, Erie County, identified as PIN No. 5010.18 to increase the reimbursable amount to \$5,756.38; and be it further

**RESOLVED:** Except as provided in the Supplemental Agreement, the terms and provisions of the said agreement dated March 17, 2003 are and shall continue to be in full force and effect; and be it further

**RESOLVED:** That the Secretary be and he hereby is authorized to forward the original and five copies of the executed Supplemental Agreement to Scott McKay, Regional Utilities Engineer, New York State Department of Transportation, 100 Seneca Street, Buffalo, New York, 14203.

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

**ITEM 9 - AUTHORIZATION TO ENTER INTO A SUPPLEMENTAL AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR GENESEE STREET, PART 1, SH 1212, REFERENCE ROUTE 952A, GENESEE STREET, CR 317, DICK ROAD AND CR 245, CAYUGA ROAD TO ROUTE NY 33, KENSINGTON EXPRESSWAY ROUTE NY 33, GENESEE STREET, ROUTE NY 33, KENSINGTON EXPRESSWAY TO BUFFALO-NIAGARA INTERNATIONAL AIRPORT EAST ENTRANCE, PROJECT NO. 199900371, IDENTIFIED AS PIN NO. 5512.39 - \$5,226.34**

Motion by Mr. Lichtenthal seconded by Mr. Warthling

**WHEREAS,** By Erie County Water Authority ("Authority") resolution dated January 16, 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, Reference Route 952A, Genesee Street, CR 317, Dick Road and CR 245, Cayuga Road to Route NY 33, Kensington Expressway Route NY 33, Genesee Street, Route NY 33, Kensington Expressway to Buffalo-Niagara International Airport East Entrance, Erie County, New York, identified as Pin No. 5512.39 at a total estimated cost of \$2,390.00, which amount was to be reimbursed to the Authority by the NYSDOT; and

**WHEREAS,** By resolution identified as Item No. 13 of the Minutes of the Meeting of March 25, 2004, the Authority entered into an Agreement in Connection with Cost of Relocating Municipally Owned Facilities Maintained for Public Use (Subdivision 24, Section 10 of the Highway Law) in an amount not to exceed \$2,390.00; and

**WHEREAS,** Under date of June 18, 2007, Scott McKay, Regional Utilities Engineer for the NYSDOT advised the Authority that the sum of \$2,390.00 set forth in said agreement dated June 17, 2004 is inadequate and requested the Authority execute a Supplemental Agreement in connection with the Cost of Relocating Municipally Owned Facilities Maintained for Public Use, which proposed an increase from \$2,390.00 to \$5,226.34; and

**WHEREAS**, Wesley C. Dust, P.E., Executive Engineer, and Robert A. Mendez, Executive Director concur with the corrected amount of \$5,226.34 and recommends that the Supplemental Agreement be executed by the Authority;

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

That the Chairman be and he hereby is authorized and directed and directed to enter into a Supplemental Agreement in Connection with Cost of Relocating Municipally Owned Facilities Maintained for Public Use with the NYSDOT Genesee Street, Part 1, SH 1212, Reference Route 952A, Genesee Street, CR 317, Dick Road and CR 245, Cayuga Road to Route NY 33, Kensington Expressway Route NY 33, Genesee Street, Route NY 33, Kensington Expressway to Buffalo-Niagara International Airport East Entrance, Erie County, New York, identified as Pin No. 5512.39 to increase the reimbursable amount to \$5,226.34; and be it further

**RESOLVED:** Except as provided in the Supplemental Agreement, the terms and provisions of the said agreement dated June 17, 2004 are and shall continue to be in full force and effect; and be it further

**RESOLVED:** That the Secretary be and he hereby is authorized to forward the original and five copies of the executed Supplemental Agreement to Scott McKay, Regional Utilities Engineer, New York State Department of Transportation, 100 Seneca Street, Buffalo, New York, 14203.

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

**ITEM 10 - AWARD OF CONTRACT TO NICHOLS LONG & MOORE  
CONSTRUCTION CORP. FOR EMERGENCY WATERMAIN REPAIR  
CONTRACT FOR THE PERIOD OF AUGUST 1, 2007 THROUGH JULY 31,  
2009, PROJECT NO. 200700495 - \$1,192,866.00**

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 27th day of June, 2007, and in Business First on the 29th day of June, 2007, a notice inviting sealed bids or proposals in accordance with 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**, Sealed bids or proposals were opened in the office of the Authority on the 10th day of July, 2007, at 11:00 a.m., local time, and were as follows:

<b>BIDDERS</b>	<b>AMOUNT</b>
Nichols Long & Moore Construction Corp.	\$1,192,866.00
Kandey Company, Inc.	1,473,172.00; 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, Nichols Long & Moore Construction Corp. 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 Nichols Long & Moore Construction Corp. 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 Nichols Long & Moore Construction Corp. 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 emergency watermain repair contract for the period of August 1, 2007 through July 31, 2009 in the total amount of \$1,192,866.00; 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 11 - AWARD OF CONTRACTS FOR THE FURNISHING, STORING AND DELIVERING OF FORMS, ENVELOPES, PAPERS AND STATIONARY FOR THE PERIOD JULY 1, 2007 THROUGH DECEMBER 31, 2007 PROJECT NO. 200700184**

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 1st day of June, 2007, and in Business First on the 30th day of May, 2007, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for furnishing, storing and delivering of forms, envelopes, papers and stationary for the period July 1, 2007 through December 31, 2007; and

**WHEREAS**, Paul H. Riester, Director of Administration advised that this particular contract is awarded by line item; and

**WHEREAS**, Sealed bids or proposals were opened in the office of the Authority on the 19th day of June, 2007, at 11:00 a.m., local time; and

**WHEREAS**, Said bids were analyzed by Authority staff and the items listed on the attached Schedules "A" through "F" are recommended for award to the respective bidders in the total amounts set forth below:

<b>BIDDERS</b>	<b>AMOUNT</b>
Buffalo Envelope	\$ 2,098.78 - See Schedule "A"
Keller Brothers & Miller, Inc.	3,235.00 - See Schedule "B"
Automated Business Forms	8,469.46 - See Schedule "C"
Service Office Supply	10,992.44 - See Schedule
"D"	
Zenger Group, Inc.	13,998.10 - See Schedule "E"
Bickford Paper Company, Inc.	34,647.15 - See Schedule "F"; and

**WHEREAS**, Inasmuch as Buffalo Envelope, Keller Brothers & Miller, Inc., Automated Business Forms, Service Office Supply, Zenger Group, Inc. and Bickford Paper Company, Inc. are under the limit of \$100,000 and complies with the Authority's Affirmative Action Policy, Tamekia Hall, Director of Equal Employment Opportunity, recommends these companies proceed with their respective contract; and

**WHEREAS**, It has been determined that the above contractors are the lowest responsible bidders on their respective items and Paul H. Riester, Director of Administration, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director have recommended

that contracts be awarded to the above contractors in the amounts set forth in Schedules "A" through "F" for the furnishing, storing and delivering of forms, envelopes, papers and stationary for the period July 1, 2007 through December 31, 2007;

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

**RESOLVED:** That the Authority accept the bids of Buffalo Envelope in the amount of \$2,098.78; Keller Brothers & Miller, Inc. in the amount of \$3,235.00; Automated Business Forms in the amount of \$8,469.46; Service Office Supply in the amount of \$10,992.44; Zenger Group, Inc. in the amount of \$13,998.10 and Bickford Paper Company, Inc. in the amount of \$34,647.15 and that the Chairman be and he hereby is authorized and directed to execute contracts with each of the above contractors for the furnishing, storing and delivering of forms, envelopes, papers and stationary for the period July 1, 2007 through December 31, 2007 in the amounts set forth above; 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 these contracts, 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 12 - AWARD OF CONTRACT TO NIAGARA FRONTIER EQUIPMENT SALES, INC. FOR THE FURNISHING AND DELIVERING OF ONE NEW AND UNUSED BACKHOE TRAILER (ECWA VEHICLE NO. 704), PROJECT NO. 200700031 - \$21,890.00**

Motion by Mr. Lichtenthal seconded by Mr. Warthling

**WHEREAS,** The Erie County Water Authority (the "Authority") heretofore advertised in the Dodge Reports and Front Page on the 18th day of May, 2007, and in Business First on the 23rd day of May, 2007, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for the furnishing and delivering and unused backhoe trailer (ECWA Vehicle No. 704); and

**WHEREAS,** No bids were received in the office of the Authority on the 5th day of June, 2007, at 11:00 a.m., local time for the above project; and

**WHEREAS,** Pursuant to Addendum No. 2 to the contract, another bid opening date was

rescheduled; and

**WHEREAS**, Sealed bids or proposals were opened in the office of the Authority on the 19th day of June, 2007, at 11:30 a.m., local time, and were as follows:

<b>BIDDERS</b>	<b>AMOUNT</b>
Admar Supply Co., Inc.	\$17,100.00
Niagara Frontier Equipment Sales, Inc.	21,890.00
Monroe Tractor	29,507.00; and

**WHEREAS**, Edward J. Kuwik, Sr. Distribution Engineer advised that the apparent low bidder, Admar Supply Co., Inc. took exceptions to the specs and bid a mechanical latching system with the handle mounted under the deck and a low profile 8 bolt wheel which neither meets the Authority's specs and standards and recommends that this bid be rejected; and

**WHEREAS**, As a result of the above information, Edward J. Kuwik, Sr. Distribution Engineer recommends that bid number 1 be deemed non-responsive and that the contract be awarded to the second lowest bidder, Niagara Frontier Equipment Sales, Inc.; and

**WHEREAS**, Wesley C. Dust, Executive Engineer and Robert A. Mendez, Executive Director concur with said recommendation; and

**WHEREAS**, Inasmuch as said contract is under the limit of \$100,000 and complies with the Authority's Affirmative Action Policy, Tamekia Hall, Director of Equal Employment Opportunity, recommends that Niagara Frontier Equipment Sales, Inc. proceed with their contract; and

**WHEREAS**, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director have reviewed the specifications and bids and determined that Niagara Frontier Equipment Sales, Inc. is the next lowest responsive 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 the Authority deem bid number 1 non-responsive and award said project to the next lowest bidder in accordance with the terms and conditions stated in Paragraph 5 of the Instruction to Bidders Section of the specification and contract documents; and be it further

**RESOLVED:** That it is hereby determined that Niagara Frontier Equipment Sales, Inc. is the lowest responsive 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 and unused backhoe trailer (ECWA Vehicle No. 704) in the total amount of \$21,890.00; 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 13 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE FURNISHING AND DELIVERING OF FLUOSILICIC ACID TO THE ERIE COUNTY WATER AUTHORITY FOR USE IN THE TREATMENT OF WATER FOR TWO YEARS FROM OCTOBER 1, 2007 THROUGH SEPTEMBER 30, 2009, PROJECT NO. 200700497**

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 fluosilicic acid to the Erie County Water Authority for use in the treatment of water for two years from October 1, 2007 through September 30, 2009; 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 fluosilicic acid to the Erie County Water Authority for use in the treatment of water for two years from October 1, 2007 through September 30, 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**, John Mogavero, Chemist & Chief Water Treatment Plant Operator 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 fluosilicic acid to the Erie County Water Authority for use in the treatment of water for two years from October 1, 2007 through September 30, 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 14 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR CONTRACT NO. DA-006, LARGE VALVE REPLACEMENTS, PROJECT NO. 200700321**

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. DA-006, large valve replacements; 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. DA-006, large valve replacements 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**, DiDonato Associates Engineering and Architecture, 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. DA-006, large valve replacements 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 15 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR CONTRACT NO. WE-003-A, 2007 BATHROOM RENOVATIONS & IMPROVEMENTS AT THE ERIE COUNTY WATER AUTHORITY'S SERVICE CENTER, CHEEKTOWAGA, NEW YORK, 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-003-A, 2007 bathroom renovations & improvements at the Authority's Service Center, Cheektowaga, 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 Contract No. WE-003-A, 2007 bathroom renovations & improvements at the Authority's Service Center, Cheektowaga, 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**, 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-003-A, 2007 bathroom renovations & improvements at the Authority's Service Center, Cheektowaga, 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 16 - APPROVAL OF MASTER PURCHASE ORDER AMENDMENT NO. 1 OF CLEARVIEW MAINTENANCE CORP. FOR WINDOW CLEANING SERVICES AT THE ERIE COUNTY WATER AUTHORITY'S FACILITIES, MASTER PURCHASE ORDER NO. 200501 - \$3,480.00**

Motion by Mr. Lichtenthal seconded by Mr. Warthling

**WHEREAS**, Heretofore and on the 10th day of July, 2006, the Erie County Water Authority ("Authority") solicited quotes for window cleaning services at the Authority's Service Center and Water Quality Laboratory for the period of August 1, 2006 through July 31, 2007, identified as Master Purchase Order No. 200501; and

**WHEREAS**, Said quote will expire on July 31, 2007; and

**WHEREAS**, The quote is a one year bid with the option to renew for an additional year; and

**WHEREAS**, Clearview Maintenance Corp. submitted a letter dated June 5, 2007 requesting that the quote be extended for a one year period under the same terms and conditions; and

**WHEREAS**, Edward J. Kuwik, Sr. Distribution Engineer submitted Master Purchase Order Amendment No. 1 in the amount of \$3,480.00 to renew for an additional 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. 1;

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

That Master Purchase Order Amendment No. 1 of Clearview Maintenance Corp. 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 17 - RATIFICATION OF THE INSTALLATION OF HYDRANTS AND VALVES AND RETIREMENT OF EXISTING HYDRANTS AND VALVES - VARIOUS LOCATIONS**

Motion by Mr. Lichtenthal seconded by Mr. Warthling

**WHEREAS,** The Engineering Department of the Erie County Water Authority ("Authority") advised that hydrants and valves were installed as part of the Authority's program to keep pace with improvements in fire fighting technology, as follows:

Replace existing hydrant at 196 Franklin St., Tonawanda with a new Kennedy hydrant on 5/15/06. Work done by ECWA forces under Work Authorization No. 107.200 005620.

Old Eddy hydrant originally installed in 1926 was scrapped and retired under Retirement Authorization No. R060016;

Install new 6" line valve at 154 Brookside Terrace W. on 6/2/06. Work done by ECWA forces under Work Authorization No. 107.200 005624;

Replace existing hydrant at 30 Leo Pl., Cheektowaga with a new Clow hydrant on 6/8/06. Work done by ECWA forces under Work Authorization No. 107.200 005621.

Old Kennedy hydrant originally installed in 1965 was scrapped and retired under Retirement Authorization No. R060021;

Replace existing hydrant at Crandon Blvd. & Sable Palm, Cheektowaga with a new Clow hydrant on 6/12/06. Work done by ECWA forces under Work Authorization No. 107.200 005629.

Old Matthews hydrant originally installed in 1963 was scrapped and retired under Retirement Authorization No. R060023;

Replace existing hydrant at Deborah Lane, Cheektowaga with a new Clow hydrant on 6/13/06. Work done by ECWA forces under Work Authorization No. 107.200 005630.

Old Mathews hydrant originally installed in 1962 was scrapped and retired under Retirement Authorization No. R060024;

Replace existing hydrant at Lincoln Avenue, Lackawanna with a new Clow hydrant on 6/26/06. Work done by ECWA forces under Work Authorization No. 107.200 005632.

Old Kennedy hydrant originally installed in 1980 was scrapped and retired under Retirement Authorization No. R060025;

Replace existing hydrant at 109 Harris Ct., Cheektowaga with a new Clow hydrant on 6/27/06. Work done by ECWA forces under Work Authorization No. 107.200 005633.

Old Mathews hydrant originally installed in 1960 was scrapped and retired under Retirement Authorization No. R060026;

Replace existing hydrant at 8145 Sheridan Dr., Clarence with a new Clow hydrant on 11/3/06. Work done by ECWA forces under Work Authorization No. 107.200 005655.

Old Mathews hydrant originally installed in 1999 was scrapped and retired under Retirement Authorization No. R060045;

Replace existing hydrant at 64 Elm St., Tonawanda with a new Clow hydrant on 11/7/06. Work done by ECWA forces under Work Authorization No. 107.200 005656.

Old Eddy hydrant originally installed was scrapped and retired under Retirement Authorization No. R060046;

Replace existing hydrant at 30 Towers Blvd., Cheektowaga with a new Clow hydrant on 11/9/06. Work done by ECWA forces under Work Authorization No. 107.200 005657.

Old Kennedy hydrant originally installed in 1967 was scrapped and retired under Retirement Authorization No. R060047;

Replace existing hydrant at 90 Elm St., Tonawanda with a new Clow hydrant on 11/21/06. Work done by ECWA forces under Work Authorization No. 107.200 005659.

Old Eddy hydrant originally installed was scrapped and retired under Retirement Authorization No. R060049;

Remove existing valve at 150 Brookside Terrace W., Tonawanda 6/2/06. Work done by ECWA forces under Work Authorization No. 107.200 005623;

Replace existing six inch tap valve at 609 Indian Church Road, West Seneca on 6/3/06. Work done by ECWA forces under Work Authorization No. 107.200 005634; and

**WHEREAS**, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director ratify said installations and work;

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

That the Authority approve the retirement of the abovementioned hydrants and valves at the abovementioned locations; and be it further

**RESOLVED:** That the installation of the new hydrants and valves in the abovementioned locations, as part of the Authority's continuing program to improve its facilities is hereby approved, ratified and confirmed.

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

**ITEM 18 - AUTHORIZATION TO REFUND SERVICE CONNECTION FEE TO DR. MARY LEE FORNES - \$750.00**

Motion by Mr. Lichtenthal seconded by Mr. Warthling

**WHEREAS**, On the 6th day of November, 2006 applied for a one-inch service to Dr. Mary Lee Fornes and deposited with the Erie County Water Authority ("Authority") the sum of \$750.00; and

**WHEREAS**, Steven D'Amico, Customer Service Representative, has advised that the customer initially paid for a one and one-half inch tap but decided they only needed a one-inch tap; and

**WHEREAS**, Albert J. Meaney, Comptroller, recommends that the Authority refund the \$750.00 deposit of Dr. Mary Lee Fornes; and

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

That the Comptroller be and he hereby is authorized and directed to refund \$750.00 to Dr. Mary Lee Fornes.

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

**ITEM 19 - REFUND FOR NEW SERVICE INSTALLATIONS - \$10,358.32**

Motion by Mr. Lichtenthal seconded by Mr. Warthling

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

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

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

**WHEREAS**, Albert J. Meaney, Comptroller, under the date of June 20, 2007, has recommended that the following refunds as set forth on the attached Schedule "A" be made;

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

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

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

**ITEM 20 - AUTHORIZATION TO INSTALL THREE HYDRANTS ON SALT ROAD, TOWN OF CLARENCE, NEW YORK, PROJECT NO. 200700456**

Motion by Mr. Lichtenthal seconded by Mr. Warthling

**WHEREAS**, In a resolution dated, April 25, 2007, The Town Board of the Town of Clarence, New York authorized the Erie County Water Authority ("Authority") to install three hydrants on Salt Road, Town of Clarence, New York under the Authority's annual large service

contract; and

**WHEREAS**, This hydrant installation has been assigned Project No. 200700456;

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

That three hydrants be installed on Salt Road, Town of Clarence, New York under the Authority's annual large service contract.

Ayes: Three; Commrs. Swiatek, Lichtenthal and Warthling

Noes: None

**ITEM 21 - AUTHORIZATION TO GRANT LEAK ALLOWANCE REQUEST -  
\$1,158.32**

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) Robert Ruth  
4036 Clinton St.  
West Seneca, NY 14224  
\$1,158.32; 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 22 - 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 June 28, 2007, the Authority deemed it advisable to provide all Managerial/Confidential employees a salary increase for the term of one year, effective April 1, 2007; and

**WHEREAS,** The funding of the salary increases provided for in the resolution of June 28, 2007 requires the budget transfer of \$51,369 from General Expense to various salary line items in the Authority's 2007 Budget; and

**WHEREAS,** The Authority desires to amend the 2007 Annual Budget by transferring \$51,369 from General Expense to various salary 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 \$51,369 from General Expense to various salary line items in the Authority's 2007 Budget.

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

**ITEM 23 - 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 19-27 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 24 - 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 28 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 25 - SERVICE CONNECTION WORK ORDER LIST:**

Motion by Mr. Lichtenthal seconded by Mr. Warthling and carried to approve Service Connection Work Order Nos. 07-27, 07-28 and 07-29 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 and carried to recess the meeting of July 17, 2007 until July 19, 2007 at 8:00 a.m. at the Authority's Service Center.

Motion by Mr. Lichtenthal seconded by Mr. Warthling and carried to reconvene the meeting of July 17, 2007 at 8:00 a.m. on July 19, 2007.

**ITEM 26 - AUTHORIZATION TO RETAIN LEGAL SERVICES**

Motion by Mr. Lichtenthal seconded by Mr. Warthling

**WHEREAS**, The Erie County Water Authority (the "Authority") and ten current and former employees have been named as individual Defendants in a Complaint filed in New York State Supreme Court (Index No. I2007006083) by Plaintiff Scott Matusick; and

**WHEREAS**, By Authority resolution dated April 29, 1999 the Authority approved confirmation of the benefits of Section 18 of the New York State Public Officers Law upon its officers and employees for defense and indemnification in litigation arising out of acts or omissions while the employee was acting within the scope of his or her employment or duties; and

**WHEREAS**, The Authority will agree to confer the benefits of defense and indemnification of the individual defendants in the aforementioned lawsuit for acts or omissions while the employee was acting within the scope of his or her employment or duties; and

**WHEREAS**, The Authority's Public Officials and Employment Practices Liability insurance carrier, Scottsdale Insurance Company ("Scottsdale"), has agreed to defend and indemnify the Authority and its current and former employees in the lawsuit; and

**WHEREAS**, Scottsdale has determined that the law firm Hodgson Russ LLP will provide such defense for the Authority and its current and former employees;

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

That the Authority is hereby authorized to retain the legal services of Hodgson Russ LLP for the Erie County Water Authority and current and former employees in the matter of Scott Matusick vs. the Erie County Water Authority, etc., et al pending in New York State Supreme Court; and be it further

**RESOLVED:** Based on need the Authority shall retain necessary additional legal counsel to defend the Authority and the current and former employees.

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

Chairman Swiatek noted for the record that his son is a partner at Hodgson Russ LLP.

**ITEM 27 - CREATION OF THREE SERVICE INVESTIGATOR (ECWA) (PART-TIME) POSITIONS**

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 appoint an attorney and an engineer and such additional officers and employees as it may require for the performance of its duties, fix and determine their qualifications, duties and compensation, subject to the provisions of the Civil Service Law of the State of New York and such rules as the Personnel Officer of the Count of Erie may adopt and make applicable to such authority; and

**WHEREAS**, Article V, Section 6 of the By-Laws of the Erie County Water Authority grants to the Authority the right to name and appoint from time to time an attorney or engineer and employees as it may require for the performance of its duties, fix their qualification, duties and compensation, subject to the provisions of the Civil Service Law of the State of New York;

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

That the Erie County Water Authority does hereby create three positions of Service Investigator (Part-Time), Salary Grade 4B of the Authority’s Career and Salary Plan, subject to the review and approval of the Erie County Personnel Officer effective July 19, 2007.

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

**ITEM 28 - CREATION OF DEPUTY DIRECTOR (PART-TIME) POSITION**

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 appoint an attorney and an engineer and such additional officers and employees as it may require for the performance of its duties, fix and determine their qualifications, duties and compensation, subject to the provisions of the Civil Service Law of the State of New York and such rules as the Personnel Officer of the Count of Erie may adopt and make applicable to such authority; and

**WHEREAS**, Article V, Section 6 of the By-Laws of the Erie County Water Authority grants to the Authority the right to name and appoint from time to time an attorney or engineer and employees as it may require for the performance of its duties, fix their qualification, duties and compensation, subject to the provisions of the Civil Service Law of the State of New York;

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

That the Erie County Water Authority does hereby create the position of Deputy Director (Part-Time), Salary Grade 35E of the Authority's Career and Salary Plan, subject to the review and approval of the Erie County Personnel Officer effective July 19, 2007.

Ayes: Three; Commrs. Swiatek, Lichtenthal and Warthling

Noes: None

**ITEM 29 - 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 has determined that it is advisable to create the position of Deputy Director (Part-Time), at an annual salary not to exceed \$30,000; and

**WHEREAS**, The Authority has also determined that it is advisable to create 3 positions of Service Investigator (E.C.W.A.), each position not to exceed 19 hours per week and for a period not to exceed 4 months duration, the compensation for each position to be at Step 1 of Hourly Grade 4B; and

**WHEREAS**, Robert A. Mendez, Executive Director, Matthew J. Baudo, Secretary to the Authority, and Wesley Dust, Executive Engineer, recommend approval of said amendment;

**WHEREAS**, The funding for the above positions amounting to \$50,439, can be obtained from idle, and expected to be unspent, funds in Miscellaneous expense; and

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

That the Authority's Annual Budget for the fiscal year 2007 be amended by transferring \$50,439, from Miscellaneous expense, to the salary and wage line items noted above.

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

**ITEM 30 - AUTHORIZATION TO ADOPT ERIE COUNTY WATER AUTHORITY  
PHYSICAL STANDARDS & REQUIREMENTS POLICY FOR VARIOUS  
ERIE COUNTY WATER AUTHORITY POSITIONS**

Motion by Mr. Lichtenthal seconded by Mr. Warthling

**WHEREAS**, Various Erie County Water Authority (“Authority”) positions require certain physical tasks be accomplished on a regular basis to perform the employee’s job requirements; and

**WHEREAS**, The Authority deems it necessary to adopt a Policy establishing Physical Standards & Requirements for various Authority positions to ensure that the individual is physically capable of performing the job as specified in the respective job specification;

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

The Authority adopt the attached Policy establishing the Physical Standards & Requirements for various Authority positions to ensure that the individual is physically capable of performing the job as specified in the respective job specification.

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

**VIII. - ADJOURNMENT**

Meeting adjourned until the next regular meeting to be held on Monday, August 6, 2007 at 9:00 a.m.

Matthew J. Baudo  
Secretary to the Authority

PF