

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 350 Ellicott Square Building, Buffalo, New York, on the 6th day of August, 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 (Part-Time)
Wesley C. Dust, Executive Engineer
Mark J. Fuzak, Attorney
Ronald P. Bennett, Associate Attorney
Karla L. Thomas, Director of Human Resources
Daniel J. NeMoyer, Public Affairs Officer
Albert J. Meaney, Comptroller
Susan L. Rinaldo, Cash Manager

ATTENDEES: **Joseph Matteliano**
Timothy Cashmore
Brian McQuillan

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 Tuesday, July 17, 2007.

III. - APPROVAL OF MINUTES

Motion by Mr. Lichtenthal seconded by Mr. Warthling and carried to approve the Minutes of the Meeting held on Tuesday, July 17, 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 1-17 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 (NONE)

VII. - NEW BUSINESS (RESOLUTIONS 2-25)

ITEM 2 - PAYMENT OF INVOICE OF CITIGROUP FOR SERVICES RENDERED IN CONNECTION WITH THE ISSUANCE OF ERIE COUNTY WATER AUTHORITY, WEEKLY ADJUSTABLE/FIXED RATE WATER WORKS SYSTEM REVENUE BONDS, SERIES 1993A AND WEEKLY ADJUSTABLE/FIXED RATE WATER WORKS SYSTEM REVENUE BONDS, SERIES 1993B - \$13,244.86

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, Heretofore and on the 18th day of February 1993, the Authority adopted the Third Supplemental Resolution authorizing the issuance of \$42,500,000 Weekly Adjustable/Fixed Rate Water Works System Revenue Bonds, Series 1993A and 1993B; and

WHEREAS, CitiGroup has submitted their invoice in the total amount of \$13,244.86, dated June 29, 2007 for services performed for the period of April 1, 2007 to June 30, 2007; and

WHEREAS, Said invoice has been approved for payment by Albert Meaney, Comptroller;

NOW, THEREFORE, BE IT RESOLVED:

That the abovementioned invoice of CitiGroup in the amount of \$13,244.86 services rendered in connection with the Erie County Water Authority Weekly Adjustable/Fixed Rate Water Works System Revenue Bonds, Series 1993A and Series 1993B be referred to the Comptroller for his verification and if found to be in order that said invoice be approved and the Treasurer, or in his absence the Assistant Treasurer, be and hereby is authorized to pay the same.

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

ITEM 3 - RATIFICATION OF THE INVESTMENT OF FUNDS FROM THE MANUFACTURERS & TRADERS TRUST COMPANY, DEBT SERVICE FUND FOURTH RESOLUTION REFUNDING WATER REVENUE BONDS, SERIES 1992 - \$439,583.33

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, Susan Rinaldo, Cash Manager, advised under date of July 24, 2007 that there was available on August 1, 2007 the following amounts in the Debt Service Fund Fourth Resolution Refunding Water Revenue Bonds, Series 1992:

Accreted Value \$439,583.33

and has recommended that the Manufacturers & Traders Trust Company, as Fiscal Agent, be authorized to invest from the Bond Fund in the amount of \$33,333.33 to mature in time for the June 1, 2008 Capital Appreciation Bond Maturity at the highest yield to 1992 Bondholders and invest from the Bond Fund in the amount of \$406,250.00 to mature in time for the December 1, 2007 Capital Appreciation Bond Maturity at the highest yield to 1992 Bondholders; and

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

NOW, THEREFORE, BE IT RESOLVED:

That the action of Albert Meaney, Comptroller, in authorizing the Manufacturers & Traders Trust Company to invest from the Bond Fund in the amount of \$33,333.33 to mature in time for the June 1, 2008 Capital Appreciation Bond Maturity at the highest yield to 1992 Bondholders and invest from the Bond Fund in the amount of \$406,250.00 to mature in time for the December 1, 2007 Capital Appreciation Bond Maturity at the highest yield to 1992 Bondholders, is hereby approved and ratified; and be it further

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

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

ITEM 4 - RATIFICATION OF THE INVESTMENT OF FUNDS FROM THE MANUFACTURERS & TRADERS TRUST COMPANY, DEBT SERVICE FUND WATER WORKS SYSTEM REVENUE BONDS, SERIES 1993A - \$120,083.33

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, Susan Rinaldo, Cash Manager, advised under the date of July 24, 2007 that there was available on July 25, 2007 the following amounts in the Debt Service Fund Water Works System Revenue Bonds, Series 1993A:

Secondary Interest Account	\$83,110.26
Payment Account	\$36,973.07

and has recommended that the Manufacturers and Traders Trust Company, as Fiscal Agent, be authorized to invest the Secondary Interest Account in the amount of \$83,110.26 and Payment Account in the amount of \$36,973.07 in the Guaranteed Investment Contract to mature in time for the December 1, 2007 Interest Payment to bondholders and Swap Payment to AIG at the highest yield to maturity; and

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

NOW, THEREFORE, BE IT RESOLVED:

That the action of Albert Meaney, Comptroller, in authorizing the Manufacturers & Traders Trust Company to invest from the Secondary Interest Account the amount of \$83,1110.26 and Payment Account in the amount of \$36,973.07 in the Guaranteed Investment Contract to mature in time for the December 1, 2007 Interest Payment to bondholders and Swap Payment to AIG at the highest yield to maturity, is hereby approved and ratified; and be it further

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

Ayes: Three; Commrs. Swiatek, Lichtenthal and Warthling

Noes: None

ITEM 5 - RATIFICATION OF THE INVESTMENT OF FUNDS FROM THE MANUFACTURERS & TRADERS TRUST COMPANY, DEBT SERVICE FUND WATER WORKS SYSTEM REVENUE BONDS, SERIES 1993B - \$73,625.00

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, Susan Rinaldo, Cash Manager, advised under the date of July 24, 2007 that there was available on July 25, 2007 the following amounts in the Debt Service Fund Water Works System Revenue Bonds, Series, 1993B:

Secondary Interest Account	\$45,332.88
Payment Account	\$28,292.12

and has recommended that the Manufacturers & Traders Trust Company, as Fiscal Agent, be authorized to invest the Secondary Interest Account in the amount of \$45,332.88 and Payment Account in the amount of \$28,292.12 in the Guaranteed Investment Contract to mature in time for the December 1, 2007 Interest Payment to bondholders and Swap Payment to AIG at the highest yield to maturity; and

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

NOW, THEREFORE, BE IT RESOLVED:

That the action of Albert Meaney, Comptroller, in authorizing the Manufacturers & Traders Trust Company to invest from the Secondary Interest Account the amount of \$45,332.88 and Payment Account in the amount of \$28,292.12 in the Guaranteed Investment Contract to mature in time for the December 1, 2007 Interest Payment to bondholders and Swap Payment to AIG at the highest yield to maturity, is hereby approved and ratified; and be it further

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

Ayes: Three; Commrs. Swiatek, Lichtenthal and Warthling

Noes: None

ITEM 6 - RATIFICATION OF THE INVESTMENT OF FUNDS FROM THE MANUFACTURERS & TRADERS TRUST COMPANY, DEBT SERVICE FUND WATER WORKS SYSTEM REVENUE REFUNDING BONDS, SERIES 1998A - \$50,840.41

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, Susan Rinaldo, Cash Manager advised under date of July 24, 2007 that there was available on August 1, 2007 the following amounts in the Debt Service Fund Water Works System Revenue Refunding Bonds, Series 1998A:

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

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

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

NOW, THEREFORE, BE IT RESOLVED:

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

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

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

ITEM 7 - RATIFICATION OF THE INVESTMENT OF FUNDS FROM THE MANUFACTURERS & TRADERS TRUST COMPANY, DEBT SERVICE FUND WATER WORKS SYSTEM REVENUE REFUNDING BONDS, SERIES 1998B - \$112,761.56

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, Susan Rinaldo, Cash Manager advised under date of July 24, 2007 that there was available on August 1, 2007 the following amounts in the Debt Service Fund Water Works System Revenue Refunding Bonds, Series 1998B:

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

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

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

NOW, THEREFORE, BE IT RESOLVED:

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

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

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

**ITEM 8 - RATIFICATION OF THE INVESTMENT OF FUNDS FROM THE
MANUFACTURERS & TRADERS TRUST COMPANY, DEBT SERVICE
FUND WATER WORKS SYSTEM REVENUE REFUNDING BONDS,
SERIES 2003F - \$92,860.49**

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, Susan Rinaldo, Cash Manager advised under date of July 24, 2007 that there was available on August 1, 2007 the following amounts in the Debt Service Fund Water Works System Revenue Refunding Bonds, Series 2003F:

Interest Account	\$40,777.16
Principal Account	\$52,083.33

and has recommended that the Manufacturers & Traders Trust Company, as Fiscal Agent, be authorized to invest from the Interest Account, in the amount of \$40,777.16 to mature in time for the January 15, 2008 Interest Payment at the highest yield to maturity to 2003F Bondholders and to invest from the Principal Account in the amount of \$52,083.33 to mature in time for the July 15, 2008 Principal Payment at the highest yield to maturity to 2003F Bondholders; and

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

NOW, THEREFORE, BE IT RESOLVED:

That the action of Albert Meaney, Comptroller, in authorizing the Manufacturers & Traders Trust Company to invest from the Interest Account in the amount of \$40,777.16 to mature in time for the January 15, 2008 Interest Payment at the highest yield to maturity to 2003F Bondholders and to invest from the Principal Account in the amount of \$52,083.33 to mature in time for the July 15, 2008 Principal Payment at the highest yield to maturity to 2003F Bondholders, is hereby approved and ratified; and be it further

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

Ayes: Three; Commrs. Swiatek, Lichtenthal and Warthling

Noes: None

ITEM 9 - AUTHORIZATION TO ENTER INTO AN PRIVATE PROPERTY AGREEMENT TO PROVIDE COMPENSATION FOR THE REMOVAL, RELOCATION, REPLACEMENT OR RECONSTRUCTION OF UTILITY FACILITIES AND APPURTENANCES LOCATED ON PRIVATELY OWNED PROPERTY IN CONNECTION WITH LAKESHORE-LACKAWANNA CITY, SH 5019, MYRTLE AVENUE, SH 8530, ROUTE 75, TRAFFIC CIRCLE, ERIE COUNTY, PROJECT NO. 200100367, IDENTIFIED AS PIN NO. 5545.13 - \$1,373.58

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, By resolution identified as Item No. 17 of the Minutes of the Meeting of February 1, 2001, the Erie County Water Authority ("Authority"), a public benefit corporation in the County of Erie and State of New York, entered into a Preliminary Utility Work Agreement with the New York State Department of Transportation ("NYSDOT") acting by and through Adele Cannarozzo, Main Office Utilities Engineer for the Commissioner of Transportation, for the Lakeshore-Lackawanna City, SH 5019, Myrtle Avenue, SH 8530, Route 75, Traffic Circle, Erie County, identified as PIN No. 5545.13 at an amount not to exceed \$5,764.00; and

WHEREAS, Under date of July 13, 2007 the NYSDOT submitted a copy of a proposed Private Property Agreement in the total amount of \$1,373.58 covering the reimbursable costs of the Lakeshore-Lackawanna City, SH 5019, Myrtle Avenue, SH 8530, Route 75, Traffic Circle, Erie County; and

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

NOW, THEREFORE, BE IT RESOLVED:

That the Chairman be and he hereby is authorized and directed and directed to enter into a Private Property Agreement with the NYSDOT in the total amount of \$1,373.58, which covers the Lakeshore-Lackawanna City, SH 5019, Myrtle Avenue, SH 8530, Route 75, Traffic Circle, Erie County, identified as PIN No. 5545.13; and be it further

RESOLVED: That the Secretary be and he hereby is authorized to forward the original and five copies of the executed Agreement 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 - AUTHORIZATION TO EXECUTE GENERAL RELEASE IN CONNECTION WITH COST OF RELOCATING MUNICIPALLY OWNED FACILITIES MAINTAINED FOR PUBLIC USE (SUBDIVISION 24, SECTION 10, OF THE HIGHWAY LAW) FOR GENESEE STREET, PART 1, SH 1212, PHASE II, ROUTE NY 33, GENESEE STREET BUFFALO-NIAGARA INTERNATIONAL AIRPORT EAST ENTRANCE TO CR 539, HOLTZ ROAD, TOWN OF CHEEKTOWAGA, ERIE COUNTY, PROJECT NO. 200400363, IDENTIFIED AS PIN NO. 5512.45 - \$6,074.80

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, By resolution identified as Item No. 7 of the Minutes of the Meeting of February 17, 2005, the Erie County Water Authority ("Authority"), a public benefit corporation in the County of Erie and State of New York, entered into a Preliminary Utility Work Agreement with the New York State Department of Transportation ("NYSDOT") acting by and through Adele Cannarozzo, Main Office Utilities Engineer for the Commissioner of Transportation, for the Genesee Street, Part 1, SH 1212, Phase II, Route NY 33, Genesee Street Buffalo-Niagara International Airport East Entrance to CR 539, Holtz Road, Town of Cheektowaga, Erie County, identified as PIN No. 5512.45 at an amount not to exceed \$12,244.00; and

WHEREAS, By resolution identified as Item No. 4 of the Minutes of the Meeting of February 21, 2007, 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 \$12,244.00; and

WHEREAS, All the work under said Agreements has been performed by the employment of the forces and the use of the equipment of the Authority or by contract between the Authority and others and accepted by the State of New York; and

WHEREAS, The NYSDOT under date of June 28, 2007, submitted a Utility Field Audit Report for costs incurred in the relocation of the Authority's facilities in the adjusted amount of \$6,074.80 and has requested the execution of a General Release in said amount; and

WHEREAS, Wesley C. Dust, P.E., Executive Engineer and Albert J. Meaney, Comptroller have verified the Summary of Costs and recommended executing the General Release in the adjusted amount of \$6,074.80;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority hereby authorizes the Chairman to execute a General Release to the State of New York in consideration of the sum of \$6,074.80 to it previously paid in part, the balance of which is to be duly paid by the State of New York, the receipt whereof is to be confessed and acknowledged and which sum is in complete and full reimbursement for the work performed by the said Authority, which does for itself, its successors and assigns, in all things give full release and discharges the said State of New York, its officers, agents and employees, from all claims, demands and liabilities of every kind and nature, legal or equitable, occasioned by or arising out of the work performed by the Authority under said Agreement; and be it further

RESOLVED: That the Secretary be and he hereby is authorized to forward the original and three copies of the executed General Release 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 11 - AUTHORIZATION TO EXECUTE GENERAL RELEASE IN CONNECTION WITH COST OF RELOCATING MUNICIPALLY OWNED FACILITIES MAINTAINED FOR PUBLIC USE (SUBDIVISION 24, SECTION 10, OF THE HIGHWAY LAW) FOR NEW YORK ROUTE 5, SH 130 & 131, CLARENCE HOLLOW: HILLCREST DRIVE TO DAVISON ROAD, TOWN OF CLARENCE, ERIE COUNTY, PROJECT NO. 200200238, IDENTIFIED AS PIN NO. 5134.16 - \$6,195.13

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, By resolution identified as Item No. 2 of the Minutes of the Meeting of November 14, 2002, the Erie County Water Authority ("Authority"), a public benefit corporation in the County of Erie and State of New York, entered into a Preliminary Utility Work Agreement with the New York State Department of Transportation ("NYSDOT") acting by and through Adele Cannarozzo, Main Office Utilities Engineer for the Commissioner of Transportation, for the New York Route 5, SH 130 & 131, Clarence Hollow: Hillcrest Drive to Davison Road, Town of Clarence, Erie County, identified as PIN No. 5134.16 at an amount not to exceed \$6,195.13; and

WHEREAS, By resolution identified as Item No. 4 of the Minutes of the Meeting of March 22, 2007, 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 \$6,195.13; and

WHEREAS, All the work under said Agreements has been performed by the employment of the forces and the use of the equipment of the Authority or by contract between the Authority and others and accepted by the State of New York; and

WHEREAS, The NYSDOT under date of July 24, 2007, submitted a Utility Field Audit Report for costs incurred in the relocation of the Authority's facilities in the adjusted amount of \$6,195.13 and has requested the execution of a General Release in said amount; and

WHEREAS, Wesley C. Dust, P.E., Executive Engineer and Albert J. Meaney, Comptroller have verified the Summary of Costs and recommended executing the General Release in the adjusted amount of \$6,195.13;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority hereby authorizes the Chairman to execute a General Release to the State of New York in consideration of the sum of \$6,195.13 to it previously paid in part, the balance of which is to be duly paid by the State of New York, the receipt whereof is to be confessed and acknowledged and which sum is in complete and full reimbursement for the work

performed by the said Authority, which does for itself, its successors and assigns, in all things give full release and discharges the said State of New York, its officers, agents and employees, from all claims, demands and liabilities of every kind and nature, legal or equitable, occasioned by or arising out of the work performed by the Authority under said Agreement; and be it further

RESOLVED: That the Secretary be and he hereby is authorized to forward the original and three copies of the executed General Release 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 12 - AUTHORIZATION TO EXECUTE GENERAL RELEASE IN CONNECTION WITH COST OF RELOCATING MUNICIPALLY OWNED FACILITIES MAINTAINED FOR PUBLIC USE (SUBDIVISION 24, SECTION 10, OF THE HIGHWAY LAW) FOR GENESEE STREET, NY ROUTE 33, TOWNLINE ROAD INTERSECTION, ROAD LOWERING, TOWNS OF LANCASTER AND ALDEN, ERIE COUNTY, PROJECT NO. 200000461, IDENTIFIED AS PIN NO. 5512.38 - \$859.28

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, By resolution identified as Item No. 8 of the Minutes of the Meeting of December 19, 2002, the Erie County Water Authority ("Authority"), a public benefit corporation in the County of Erie and State of New York, entered into a Preliminary Utility Work Agreement with the New York State Department of Transportation ("NYSDOT") acting by and through Adele Cannarozzo, Main Office Utilities Engineer for the Commissioner of Transportation, for the Genesee Street, NY Route 33, Townline Road Intersection, Road Lowering, Towns of Lancaster and Alden, Erie County, identified as PIN No. 5512.28 at an amount not to exceed \$3,809.00; and

WHEREAS, By resolution identified as Item No. 5 of the Minutes of the Meeting of March 22, 2007, 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 \$859.28; and

WHEREAS, All the work under said Agreements has been performed by the employment of the forces and the use of the equipment of the Authority or by contract between the Authority and others and accepted by the State of New York; and

WHEREAS, The NYSDOT under date of June 28, 2007, submitted a Utility Field Audit Report for costs incurred in the relocation of the Authority's facilities in the adjusted amount of \$859.28 and has requested the execution of a General Release in said amount; and

WHEREAS, Wesley C. Dust, P.E., Executive Engineer and Albert J. Meaney, Comptroller have verified the Summary of Costs and recommended executing the General Release in the adjusted amount of \$859.28;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority hereby authorizes the Chairman to execute a General Release to the State of New York in consideration of the sum of \$859.28 to it previously paid in part, the balance of which is to be duly paid by the State of New York, the receipt whereof is to be confessed and acknowledged and which sum is in complete and full reimbursement for the work performed by the said Authority, which does for itself, its successors and assigns, in all things give full release and discharges the said State of New York, its officers, agents and employees, from all claims, demands and liabilities of every kind and nature, legal or equitable, occasioned by or arising out of the work performed by the Authority under said Agreement; and be it further

RESOLVED: That the Secretary be and he hereby is authorized to forward the original and three copies of the executed General Release 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 13 - AWARD OF CONTRACT TO NEPTUNE TECHNOLOGY GROUP, INC.
FOR THE FURNISHING AND DELIVERING OF WATER METERS FROM
AUGUST 1, 2007 TO JULY 31, 2009, PROJECT NO. 200700422 -
\$3,534,730.00**

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 30th day of May, 2007, and in Business First on the 1st day of June, 2007, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for the furnishing and delivering of water meters from August 1, 2007 to July 31, 2009; and

WHEREAS, Sealed bids or proposals were opened in the office of the Authority on the 19th day of June, 2007, at 11:15 a.m., local time, and were as follows:

BIDDERS	AMOUNT
Everett J. Prescott, Inc.	\$3,375,894.08
Neptune Technology Group, Inc.	3,534,730.00; and

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

WHEREAS, Edward J. Kuwik, Sr. Distribution Engineer advised that the apparent low bidder, Everett J. Prescott, Inc. took exceptions to the spec (memo attached) 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, Neptune Technology Group, Inc.; and

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

WHEREAS, Tamekia Hall, Director of Equal Employment Opportunity, has advised that the low bidder, Neptune Technology Group, 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 Neptune Technology Group, 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 Article 22 (Award of Contract) of the Instruction to Bidders Section of the specification and contract documents; and be it further

RESOLVED: That it is hereby determined that Neptune Technology Group, 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 of water meters from August 1, 2007 to July 31, 2009 in the total amount of \$3,534,730.00; 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 14 - AUTHORIZATION TO ADVERTISE FOR REQUEST FOR
QUALIFICATIONS FOR SLUDGE COLLECTION EQUIPMENT AT
STURGEON POINT WATER TREATMENT PLANT, PROJECT NO.
200700016**

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 Request for Qualifications for sludge collection equipment at Sturgeon Point Water Treatment Plant; and

WHEREAS, The Advertisement for Bids for sludge collection equipment at Sturgeon Point Water 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, Malcolm Pirnie, Inc. will be the designated contact for the project with the adoption of this resolution;

NOW, THEREFORE, BE IT RESOLVED:

That the Request for Qualifications be prepared for the sludge collection equipment at Sturgeon Point Water 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 Request for Qualifications for the abovementioned project.

Ayes: Three; Commrs. Swiatek, Lichtenthal and Warthling

Noes: None

ITEM 15 - 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 six inch valve at 118 Carmen Road, Town of Amherst with a new six inch resilient valve on 11/29/06. Work done by ECWA forces under Work Authorization No. 107.200 5665.

Old six inch valve originally installed in 1954 was scrapped and retired under Retirement Authorization No. R060055.

Replace existing valve at Franklin St. & Virginia St., City of Tonawanda with a new six inch resilient valve on 1/23/07. Work done by ECWA forces under Work Authorization No. 107.200 5679.

Old six inch valve originally installed was scrapped and retired under Retirement Authorization No. R070006.

Replace existing hydrant valve at 9 Cayuga Creek Road, Town of Cheektowaga with a new six inch gate valve on 1/4/07. Work done by ECWA forces under Work Authorization No. 107.200 5675.

Old hydrant originally installed in 1908 was scrapped and retired under Retirement Authorization No. R070002.

Replace existing valve at 135 Gibson St., City of Tonawanda with a new four inch gate valve on 12/26/06. Work done by ECWA forces under Work Authorization No. 107.200 5673.

Old six inch valve originally installed in pre 2004 was scrapped and retired under Retirement Authorization No. R060063.

Replace existing valve at 144 Greenway Road, Town of Amherst with a new four inch gate valve on 12/26/06. Work done by ECWA forces under Work Authorization No. 107.200 5672.

Old four inch valve originally installed in 1928 was scrapped and retired under Retirement Authorization No. R060062.

Replace existing valve at 131 Northcrest Avenue, Town of Cheektowaga on 12/7/06. Work done by ECWA forces under Work Authorization No. 107.200 5669.

Old six inch valve originally installed in 1926 was scrapped, retired and eliminated under Retirement Authorization No. R060059.

Replace existing hydrant at 5063 Transit Road, Town of Clarence with a new Clow hydrant on 11/29/06. Work done by ECWA forces under Work Authorization No. 107.200 5666.

Old Darling hydrant originally installed was scrapped and retired under Retirement Authorization No. R060056.

Replace existing hydrant at 101 Saint Felix Avenue, Town of Cheektowaga with a new Clow hydrant on 12/6/06. Work done by ECWA forces under Work Authorization No. 107.200 5667.

Old Mathews hydrant originally installed in 1963 was scrapped and retired under Retirement Authorization No. R060057.

Replace existing hydrant at 75 Industrial Parkway, Town of Cheektowaga with a new Mueller hydrant on 12/7/06. Work done by ECWA forces under Work Authorization No. 107.200 5668.

Old M&H hydrant originally installed in 1965 was scrapped and retired under Retirement

Authorization No. R060058.

Replace existing hydrant at 170 Strasmer Road, Town of Cheektowaga with a new Clow hydrant on 12/19/06. Work done by ECWA forces under Work Authorization No. 107.200 5670.

Old Mathews hydrant originally installed was scrapped and retired under Retirement Authorization No. R060060.

Replace existing hydrant at 175 Borden Road, Village of Depew with a new Clow hydrant on 12/19/06. Work done by ECWA forces under Work Authorization No. 107.200 5671.

Old Kennedy hydrant originally installed was scrapped and retired under Retirement Authorization No. R060061.

Replace existing hydrant at 16 Baker Ct., City of Lackawanna with a new Clow hydrant on 1/4/07. Work done by ECWA forces under Work Authorization No. 107.200 5674.

Old Mathews hydrant originally installed in 1961 was scrapped and retired under Retirement Authorization No. R070001.

Replace existing hydrant at 8265 Westwood Road, Town of Clarence with a new Clow hydrant on 1/10/07. Work done by ECWA forces under Work Authorization No. 107.200 5676.

Old Mathews hydrant originally installed in pre 1999 was scrapped and retired under Retirement Authorization No. R070003.

Replace existing hydrant at 70 Ridge Park Ave., Town of Cheektowaga with a new Clow hydrant on 1/18/07. Work done by ECWA forces under Work Authorization No. 107.200 5677.

Old Mathews hydrant originally installed was scrapped and retired under Retirement Authorization No. R070004.

Replace existing hydrant at 4650 Boncrest Drive, Town of Clarence with a new Mueller hydrant on 1/18/07. Work done by ECWA forces under Work Authorization No. 107.200 5678.

Old Kennedy hydrant originally installed was scrapped and retired under Retirement Authorization No. R070005; and

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

08/06/07

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 16 - AUTHORIZATION TO INSTALL TWO HYDRANTS ON AERO DRIVE,
TOWN OF CHEEKTOWAGA, NEW YORK, PROJECT NO. 200700107, EC
NO. 5723**

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, In a resolution dated February 5, 2007, The Town Board of the Town of Cheektowaga authorized the Erie County Water Authority ("Authority") to install two hydrants at Aero Drive, Town of Cheektowaga, New York under the Authority's annual large service contract; and

WHEREAS, This hydrant installation has been assigned Work Authorization No. EC 5723 and Project No. 200700107;

NOW, THEREFORE, BE IT RESOLVED:

That two hydrants be installed at Aero Drive, Town of Cheektowaga, New York under the Authority's annual large service contract.

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

ITEM 17 - AUTHORIZATION FOR ROBERT MENDEZ, EXECUTIVE DIRECTOR, WESLEY DUST, EXECUTIVE ENGINEER, PAUL RIESTER, DIRECTOR OF ADMINISTRATION, ROBERT NIEDERPRUEM, SR. PRODUCTION ENGINEER AND RICHARD ROSENBERRY, SR. DISTRIBUTION ENGINEER TO ATTEND THE NEW YORK STATE AUTHORITIES MEETING IN FAIRPORT, NEW YORK

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, The Erie County Water Authority deems it advisable for Robert Mendez, Executive Director, Wesley Dust, Executive Engineer, Paul Riestler, Director of Administration, Robert Niederpruem, Sr. Production Engineer and Richard Rosenberry, Sr. Distribution Engineer to attend the New York State Authorities Meeting in Fairport, New York at a total estimated cost of \$2,500.00;

NOW, THEREFORE, BE IT RESOLVED:

That Robert Mendez, Executive Director, Wesley Dust, Executive Engineer, Paul Riestler, Director of Administration, Robert Niederpruem, Sr. Production Engineer and Richard Rosenberry, Sr. Distribution Engineer be and they are hereby authorized to travel to Fairport, NY from September 26, 2007 to September 28, 2007 to attend the New York State Authorities Meeting at a total estimated cost of \$2,500.00.

Ayes: Three; Commrs. Swiatek, Lichtenthal and Warthling

Noes: None

ITEM 18 - AUTHORIZATION FOR JACK HANLEY, MANAGER OF DATA PROCESSING TO ATTEND THE IBM INFORMATION ON DEMAND CONFERENCE IN LAS VEGAS, NEVADA

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, The Erie County Water Authority deems it advisable for Jack Hanley, Manager of Data Processing to attend the IBM Information On Demand Conference in Las Vegas, Nevada at a total estimated cost of \$3,900.00;

NOW, THEREFORE, BE IT RESOLVED:

That Jack Hanley, Manager of Data Processing be and he is hereby authorized to travel to Las Vegas, Nevada from October 14, 2007 to October 19, 2007 to attend the IBM Information On Demand Conference at a total estimated cost of \$3,900.00.

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

ITEM 19 - AUTHORIZATION FOR DANIEL SNYDER, CONTROL CREW CHIEF TO ATTEND THE STANLEY SECURITY SOLUTIONS CONFERENCE IN INDIANAPOLIS, INDIANA

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, The Erie County Water Authority deems it advisable for Daniel Snyder, Control Crew Chief to attend the Stanley Security Solutions Conference in Indianapolis, Indiana at a total estimated cost of \$2,500.00;

NOW, THEREFORE, BE IT RESOLVED:

That Daniel Snyder, Control Crew Chief be and he is hereby authorized to travel to Indianapolis, Indiana from September 24, 2007 to September 28, 2007 to attend the Stanley Security Solutions Conference at a total estimated cost of \$2,500.00.

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

ITEM 20 - AUTHORIZATION TO TERMINATE EMPLOYMENT CONTRACT WITH EDWARD J. KASPRZAK, DEPUTY DIRECTOR

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, Edward J. Kasprzak, Deputy Director entered into an employment contract with the Erie County Water Authority (“Authority”) effective January 1, 2006; and

WHEREAS, Heretofore and on the 31st day of July, 2007, Edward J. Kasprzak, Deputy Director retired from the Authority; and

WHEREAS, Pursuant to the provisions of the contract, in exchange for a general release executed by Edward J. Kasprzak, the Authority desires to implement the severance provisions of the agreement;

NOW, THEREFORE, BE IT RESOLVED:

That the staff of the Authority is hereby authorized to take all steps necessary to implement the severance provisions of the agreement.

Ayes: Three; Commrs. Swiatek, Lichtenthal and Warthling

Noes: None

ITEM 21 - EDWARD KASPRZAK - APPOINTMENT AS DEPUTY DIRECTOR (PART-TIME)

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 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 qualification, 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 County 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 Edward J. Kasprzak, be appointed to the position of Deputy Director (Part-Time); said appointment being subject to the approval of the Erie County Personnel Officer, and to be compensated under Annual Salary Grade 35E not to exceed \$30,000 annually of the Authority's Career and Salary Plan, effective August 6, 2007.

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, The Authority has determined that it is advisable to provide funds for the leasing of portable generators, as well as capital funds needed for modifications to accommodate the generators, at Sturgeon Point and Van de Water water treatment plants, and Ball and Windom pump stations; and

WHEREAS, The costs of leasing the generators for the remainder of the year 2007 is \$445,000, while the capital funds needed for modifications is \$220,000, and the funding for these costs can be obtained from idle, and expected to be unspent, funds in Capital Budget Item number 000006, Contract NC-26B, entitled Variable Speed Pumping Improvements - Ball Pump Station; and

WHEREAS, Robert A. Mendez, Executive Director, Edward J. Kasprzak, Deputy Director(P.T.), Matthew J. Baudo, Secretary to the Authority, and Wesley Dust, Executive Engineer, recommend approval of said amendment;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority's Annual Budget for the fiscal year 2007 be amended by transferring \$665,000 from Capital Budget Item number 000006, Contract NC-26B, entitled Variable Speed Pumping Improvements - Ball Pump Station, to the line item for Portable Generator Lease costs in the amount of \$445,000, and to the line item for Portable Generator Connection Modifications in the amount of \$220,000.

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 18-30 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 sheets pages 31 and 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 25 - SERVICE CONNECTION WORK ORDER LIST:

Motion by FIELD Mr. Lichtenthal seconded by Mr. Warthling and carried to approve Service Connection Work Order Nos. 07-30 and 07-31, 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, August 16, 2007 at 4:00 p.m.

Matthew J. Baudo
Secretary to the Authority

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08/06/07