

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 350 Ellicott Square Building, Buffalo, New York, on the 28th day of August, 2007.

PRESENT: **Frank E. Swiatek, Chairman**
Robert J. Lichtenthal, Jr., Vice Chairman
Francis G. Warthling, Treasurer
Robert A. Mendez, Executive Director
Edward J. Kasprzak, Assistant Secretary to the Authority
Wesley C. Dust, Executive Engineer
Mark J. Fuzak, Attorney
Emilio L. Colaiacovo, 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
Susan L. Rinaldo, Cash Manager

ATTENDEES: **Danielle Elliott**
Timothy Cashmore

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, August 16, 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, August 16, 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 1-23 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 2-11)

ITEM 2 - 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 ("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 amounting to \$58,000 for a study to review and audit the protocols and procedures utilized in the Water Quality Lab, as well as at Sturgeon Point and Van de Water Treatment Plants; and

WHEREAS, The Authority has also been advised by Senior Distribution Engineers Richard Rosenberry and Edward Kuwik that the actual costs of repaving Parking Area 2 at the Authority's Service Center will exceed the budgeted cost, which was based on an estimate of \$75,000, by \$140,000; and

WHEREAS, The funding for the Water Quality study, as well as the additional repaving project costs, can be obtained from idle, and expected to be unspent, funds in the Authority's budget by transferring monies from Capital Budget Item number 000006, Contract NC-26B, entitled Variable Speed Pumping Improvements - Ball Pump Station, in the amount of \$140,000 for the repaving project; and transferring \$58,000 from Capital Budget Item number 100148, entitled Laboratory Equipment, to Payments to Contractors - Others, for the Water Quality Study; and

WHEREAS, Robert A. Mendez, Executive Director, Edward J. Kasprzak, Deputy Director (P.T.), Matthew J. Baudo, Secretary to the Authority, and Wesley C. 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 monies from Capital Budget Item number 000006, Contract NC-26B, entitled Variable Speed Pumping Improvements - Ball Pump Station, in the amount of \$140,000 for the repaving project; and transferring \$58,000 from Capital Budget Item number 100148, entitled Laboratory Equipment, to Payments to Contractors - Others, for the Water Quality Study.

Ayes: Three; Commrs. Swiatek, Lichtenthal and Warthling

Noes: None

ITEM 3 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH MALCOLM PIRNIE, INC. TO RENDER A WATER QUALITY LABORATORY REVIEW AUDIT, IDENTIFIED AS CONTRACT NO. MP-074, PROJECT NO. 200700543 AT A TOTAL FEE NOT TO EXCEED \$58,000.00

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, The Environmental Protection Agency (EPA) and the New York State Department of Environmental Conservation (DEC) conducted an investigation regarding the Erie County Water Authority's (Authority) Water Quality reporting; and

WHEREAS, As a result of the investigation, an audit of the Water Quality Laboratory's procedures and protocols is required in a timely manner; and

WHEREAS, Under the date of August 6, 2007, Malcolm Pirnie, Inc. submitted two copies of an agreement offering to perform the above services; and

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

NOW, THEREFORE, BE IT RESOLVED:

That the Authority accepts the proposal of Malcolm Pirnie, Inc. to perform an audit of the Water Quality Laboratory's procedures and protocols under the terms and conditions set forth in said proposal and 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 Malcolm Pirnie, Inc.

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

ITEM 4 - AUTHORIZATION TO SOLICIT REQUEST FOR PROPOSALS FOR THE ERIE COUNTY WATER AUTHORITY'S SHORT AND LONG TERM DISABILITY, NEW YORK STATE DISABILITY INSURANCE, GROUP LIFE, ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE PROGRAM

Motion by Mr. Lichtenthal seconded by Mr. Warthling

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

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

WHEREAS, The Authority deems it necessary to issue a Request for Proposal ("RFP") to qualified firms to provide Short and Long Term Disability, New York State Disability Insurance, Group Life, Accidental Death and Dismemberment Insurance Program; and

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

WHEREAS, The RFP for Short and Long Term Disability, New York State Disability Insurance, Group Life and Accidental Death & Dismemberment Insurance Program 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, Karla L. Thomas, Director of Human Resources, will be the designated contact person for the RFP with the adoption of this resolution;

NOW, THEREFORE BE IT RESOLVED:

The Authority is hereby authorized to issue a RFP to qualified firms to provide Short and Long Term Disability, New York State Disability Insurance, Group Life, Accidental Death and Dismemberment Insurance Program.

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

ITEM 5 - APPROVAL OF AMENDMENT NO. 1 OF EI TEAM, INC. TO RENDER PROFESSIONAL ENGINEERING SERVICES FOR WATER SYSTEM IMPROVEMENTS IN THE TOWN OF CLARENCE, NEW YORK, IDENTIFIED AS CONTRACT NO. EI-001, PROJECT NO. 200700424 - \$28,560.00

Motion by Mr. Lichtenthal seconded by Warthling

WHEREAS, Heretofore and on the 19th day of April, 2007, the Erie County Water Authority ("Authority") entered into an agreement with EI Team, Inc. to render professional engineering services for water system improvements in the Town of Clarence, New York, identified as Contract No. EI-001; and

WHEREAS, Said consultant has submitted Amendment No. 1 in the sum of \$28,560.00 to provide for additional engineering services for the design and construction of 1,900 LF of watermain along Greiner Road from Strickler Road to Hillcrest Drive; and

WHEREAS, The reason for said change is because there have been five leaks along this section of watermain in the previous five months; and

WHEREAS, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend approval of said Amendment No. 1;

NOW, THEREFORE, BE IT RESOLVED:

That Amendment No. 1 of EI Team, Inc. in the amount of \$28,560.00 to provide for the abovementioned change be approved; and be it further

RESOLVED: That the Chairman be and he hereby is authorized to execute said Amendment No. 1 on behalf of the Authority.

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

ITEM 6 - REFUND FOR NEW SERVICE INSTALLATIONS - \$9,748.95

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, Edward J. Kasprzak, Deputy Director, under the date of August 9, 2007, has recommended that the following refunds as stated on 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 7 - AUTHORIZATION TO GRANT LEAK ALLOWANCE REQUEST - \$3,031.55

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) Garrett A. Mayer
1777 Emery Road
East Aurora, NY 14052
\$3,031.55; 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

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account of the abovementioned customer.

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

ITEM 8 - AUTHORIZATION FOR KARLA THOMAS, DIRECTOR OF HUMAN RESOURCES TO ATTEND THE LANGEVIN LEARNING SERVICES INSTRUCTOR/FACILITATOR TRAINING IN CHICAGO, ILLINOIS

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, The Erie County Water Authority deems it advisable for Karla Thomas, Director of Humans Resources to attend the Langevin Learning Services Instructor/Facilitator training in Chicago, Illinois at a total estimated cost of \$6,000.00;

NOW, THEREFORE, BE IT RESOLVED:

That Karla Thomas, Director of Human Resources be and she is hereby authorized to travel to Chicago, Illinois from September 9, 2007 to September 14, 2007 to attend the Langevin Learning Services Instructor/Facilitator training at a total estimated cost of \$6,000.00.

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

ITEM 9 - 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 24-32 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 10 - 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 33 and 34 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.

08/28/07

ITEM 11 - SERVICE CONNECTION WORK ORDER LIST:

Motion by Mr. Lichtenthal seconded by Mr. Warthling and carried to approve Service Connection Work Order Nos. 07-35 and 07-36, 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 Wednesday, September 12, 2007 at 4:00 p.m.

Edward J. Kasprzak
Assistant Secretary to the Authority

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