

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 350 Ellicott Square Building, Buffalo, New York, on the 11th day of October, 2007.

PRESENT: **Frank E. Swiatek, Chairman**
Francis G. Warthling, Treasurer
Robert A. Mendez, Executive Director
Matthew J. Baudo, Secretary to the Authority
Robert J. Lichtenthal, Jr., Deputy Director
Edward J. Kasprzak, Deputy Director (Part-Time)
Wesley C. Dust, Executive Engineer
Mark J. Fuzak, Attorney
Ronald P. Bennett, Associate Attorney
Paul H. Riestler, Director of Administration
Karla L. Thomas, Director of Human Resources
Daniel J. NeMoyer, Public Affairs Officer
Albert J. Meaney, Comptroller

ATTENDEES: **Joseph Matteliano**

CALL TO ORDER

PLEDGE TO THE FLAG

I. - ROLL CALL

II. - READING OF MINUTES

Motion by Mr. Warthling seconded by Mr. Swiatek and carried to waive the reading of the Minutes of the Meeting held on Wednesday, September 26, 2007.

III. - APPROVAL OF MINUTES

Motion by Mr. Warthling seconded by Mr. Swiatek and carried to approve the Minutes of the Meeting held on Wednesday, September 26, 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. Warthling seconded by Mr. Swiatek and carried to approve for payment of Master Purchase Order Nos. as listed on the attached sheets pages 1-12 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 - FINAL ACCEPTANCE OF PROJECT WITH TRIPLE R DEVELOPMENT OF WNY, INC. FOR CONTRACT NO. EA-007, WATER SYSTEM IMPROVEMENTS IN THE TOWN OF AMHERST AND CITY OF LACKAWANNA, PROJECT NO. 200600179, CONTRACT NO. 07-12-02 - \$11,038.38

Motion by Mr. Warthling seconded by Mr. Swiatek

WHEREAS, Heretofore and on the 16th day of February, 2007, the Erie County Water Authority ("Authority") entered into a contract with Triple R Development of WNY, Inc. for Contract No. EA-007, water system improvements in the Town of Amherst and City of Lackawanna, identified as Contract No. 07-12-02; and

WHEREAS, Erdman Anthony, Consulting Engineers has submitted a final invoice dated September 24, 2007 in the amount of \$11,038.38; and

WHEREAS, Erdman Anthony, Consulting Engineers, 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: Two; Commrs. Swiatek 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. Warthling seconded by Mr. Swiatek

WHEREAS, Susan Rinaldo, Cash Manager, advised under date of September 28, 2007 that there was available on October 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: Two; Commrs. Swiatek 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. Warthling seconded by Mr. Swiatek

WHEREAS, Susan Rinaldo, Cash Manager, advised under the date of September 28, 2007 that there was available on September 25, 2007 the following amounts in the Debt Service Fund Water Works System Revenue Bonds, Series 1993A:

Secondary Interest Account	\$84,315.76
Payment Account	\$35,767.57

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 \$84,315.76 and Payment Account in the amount of \$35,767.57 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 \$84,315.76 and Payment Account in the amount of \$35,767.57 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: Two; Commrs. Swiatek 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. Warthling seconded by Mr. Swiatek

WHEREAS, Susan Rinaldo, Cash Manager, advised under the date of September 28, 2007 that there was available on September 25, 2007 the following amounts in the Debt Service Fund Water Works System Revenue Bonds, Series, 1993B:

Secondary Interest Account	\$45,990.42
Payment Account	\$27,634.58

and has recommended that the Manufacturers & Traders Trust Company, as Fiscal Agent, be authorized to invest the Secondary Interest Account in the amount of \$45,990.42 and Payment Account in the amount of \$27,634.58 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 \$45,990.42 and Payment Account in the amount of \$27,634.58 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: Two; Commrs. Swiatek 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. Warthling seconded by Mr. Swiatek

WHEREAS, Susan Rinaldo, Cash Manager advised under date of September 28, 2007 that there was available on October 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: Two; Commrs. Swiatek 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 - \$113,469.86

Motion by Mr. Warthling seconded by Mr. Swiatek

WHEREAS, Susan Rinaldo, Cash Manager advised under date of September 28, 2007 that there was available on October 1, 2007 the following amounts in the Debt Service Fund Water Works System Revenue Refunding Bonds, Series 1998B:

Interest Account	\$48,886.53
Principal Account	\$64,583.33

and has recommended that the Manufacturers & Traders Trust Company, as Fiscal Agent, be authorized to invest from the Interest Account, in the amount of \$25,130.77 to mature in time for the October 15, 2007 Interest Payment at the highest yield to maturity to 1998B Bondholders and invest from the Interest Account, in the amount of \$23,755.76 to mature in time for the April 15, 2008 Interest Payment at the highest yield to maturity to 1998B Bondholders and invest from the Principal Account in the amount of \$64,583.33 to mature in time for the October 15, 2008 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 \$25,130.77 to mature in time for the October 15, 2007 Interest Payment at the highest yield to maturity to 1998B Bondholders and invest from the Interest Account, in the amount of \$23,755.76 to mature in time for the April 15, 2008 Interest Payment at the highest yield to maturity to 1998B

Bondholders and invest from the Principal Account in the amount of \$64,583.33 to mature in time for the October 15, 2008 Principal Payment at the highest yield to maturity to 1998B, 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: Two; Commrs. Swiatek 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. Warthling seconded by Mr. Swiatek

WHEREAS, Susan Rinaldo, Cash Manager advised under date of September 28, 2007 that there was available on October 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, 2007 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, 2007 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: Two; Commrs. Swiatek and Warthling
Noes: None

ITEM 9 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH O'BRIEN & GERE ENGINEERS, INC. TO COMPLETE AN UPDATE OF THE ERIE COUNTY WATER AUTHORITY'S VULNERABILITY ASSESSMENT REPORT, IDENTIFIED AS CONTRACT NO. OBG-007, PROJECT NO. 200700606 AT A TOTAL FEE NOT TO EXCEED \$15,000.00

Motion by Mr. Warthling seconded by Mr. Swiatek

WHEREAS, Heretofore and on the 8th day of August, 2002 the Erie County Water Authority ("Authority") entered into an agreement with O'Brien & Gere Engineers, Inc. to complete a vulnerability assessment funded by an EPA grant; and

WHEREAS, The Authority is required to update the vulnerability assessment; and

WHEREAS, Due to security implications and concerns, Wesley C. Dust, Executive Engineer recommends awarding this as a sole source contract to O'Brien & Gere Engineers, Inc.; and

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

WHEREAS, Under the date of September 25, 2007, O'Brien & Gere Engineers, Inc. submitted two copies of a proposed agreement offering to complete an updated vulnerability assessment; and

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

NOW, THEREFORE, BE IT RESOLVED:

That the Authority accepts the proposal of O'Brien & Gere Engineers, Inc. to complete an update of the Authority's vulnerability assessment under the terms and conditions set forth in said proposal; 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 O'Brien & Gere Engineers, Inc.

Ayes: Two; Commrs. Swiatek and Warthling
Noes: None

ITEM 10 - AUTHORIZATION TO APPROVE PARKSON CORPORATION AS THE SOLE SOURCE PROVIDER FOR THE SUPPLY OF SLUDGE COLLECTION EQUIPMENT AS PART OF CONTRACT NO. MP-73, PROJECT NO. 200700016

Motion by Mr. Warthling seconded by Mr. Swiatek

WHEREAS, Heretofore and on the 8th day of February, 2007 the Erie County Water Authority ("Authority") entered into an agreement with Malcolm Pirnie, Inc. to provide consulting services for the design and construction of process upgrades at the Authority's Sturgeon Point Water Treatment Plant located in the Town of Evans, identified as Contract No. MP-73; and

WHEREAS, Contract MP-73 is scheduled for advertisement for bid later this year and commence construction in 2008; and

WHEREAS, Contract MP-73 will include the supply of sludge collection equipment; and

WHEREAS, The Authority deemed it necessary to issue a Request for Qualification ("RFQ") for the pre-qualification of sludge collection equipment; and

WHEREAS, Statements of Qualifications were received from Parkson Corporation and Meurer Research, Inc.; and

WHEREAS, Malcolm Pirnie, Inc. and the Authority's Engineering staff reviewed the Statements of Qualifications and deemed Meurer Research, Inc. non-responsive for the following reasons:

1. They do not meet the requirement of a minimum of 10 years of experience in producing similar scraper blade collectors utilizing a reciprocating motion.
2. They did not indicate that they have a minimum of five substantially similar installations in size with satisfactory operation for at least five years.
3. They did not indicate any experience using electro-mechanical drive units.
4. The scraper mechanisms are bolted and not welded as indicated in the specifications; and

WHEREAS, Malcolm Pirnie, Inc. and the Authority's Engineering staff advised that Parkson Corporation met the qualifications and experience requirements as well as the technical requirements identified in the RFQ; and

WHEREAS, Wesley C. Dust, Executive Engineer recommends Parkson Corporation be listed in the Specifications for Contract MP-73 as the sole source provider of this equipment; and

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

NOW, THEREFORE, BE IT RESOLVED:

That Parkson Corporation be listed in the Specifications for Contract MP-73 as the sole source provider for the supply of sludge collection equipment.

Ayes: Two; Commrs. Swiatek and Warthling
Noes: None

ITEM 11 - AUTHORIZATION TO SOLICIT REQUEST FOR PROPOSALS FOR PUBLIC RELATIONS SERVICES

Motion by Mr. Warthling seconded by Mr. Swiatek

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 public relations firms to assist with the implementation of a proactive public relations 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 public relations services 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, Daniel J. NeMoyer, Public Affairs Officer, 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 public relations services.

Ayes: Two; Commrs. Swiatek and Warthling

Noes: None

ITEM 12 - AUTHORIZATION TO DISPOSE OF USED AND SCRAP ELECTRONIC EQUIPMENT TO ELECTRONIC RECYCLING TECHNOLOGIES, LLC

Motion by Mr. Warthling seconded by Mr. Swiatek

WHEREAS, Matthew J. Baudo, Secretary to the Authority advised that the Erie County Water Authority ("Authority") currently has computer equipment that is either inoperable, obsolete or not expected to be re-deployed at the Authority; and

WHEREAS, Paul H. Riester, Director of Administration advises that the County of Erie currently contracts with Recycling Technologies, LLC to dispose of the County's electronic equipment including the donation process; and

WHEREAS, Paul H. Riester, Director of Administration and Matthew J. Baudo, Secretary to the Authority recommend that the Authority exercise its right to use the County of Erie's contract with Recycling Technologies, LLC to dispose of the Authority's electronic equipment as listed on attached Schedule "A"; and

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

NOW, THEREFORE, BE IT RESOLVED:

That the Authority is hereby authorized to use the County of the Erie's contract with Recycling Technologies, LLC to dispose of the Authority's electronic equipment as listed on attached Schedule "A".

Ayes: Two; Commrs. Swiatek and Warthling

Noes: None

ITEM 13 - AUTHORIZATION TO ACCEPT PROPOSAL OF CIMATO ENTERPRISES, INC. FOR THE INSTALLATION OF APPROXIMATELY 1,321 LINEAR FEET OF EIGHT (8") INCH PVC WATERMAIN, TWO HYDRANTS AND APPURTENANCES IN WATERFORD ESTATES PHASE 3, PART A AND B, TOWN OF CLARENCE, NEW YORK, PROJECT NO. 200400534, EC NO. 5735

Motion by Mr. Warthling seconded by Mr. Swiatek

WHEREAS, The Erie County Water Authority ("Authority") desires to enter into a Main Extension Agreement (Builder-Contractor-Developer) with Cimato Enterprises, Inc. for the installation of approximately 1,321 l.f. of eight-inch PVC watermain, two hydrants and appurtenances in Waterford Estates Phase 3, Part A and B, Town of Clarence, New York; and

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

WHEREAS, Said installation of main and hydrants has been assigned Work Authorization No. EC No. 5735; and

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

NOW, THEREFORE, BE IT RESOLVED:

That the Authority accepts the proposal of Cimato Enterprises, Inc. for the installation of approximately 1,321 l.f. of eight-inch PVC watermain, two hydrants and appurtenances in Waterford Estates Phase 3, Part A and B, Town of Clarence, New York; and be it further

RESOLVED: That the Chairman be and he hereby is authorized to execute said Main

Extension Agreement (Builder-Contractor-Developer) between the Authority and Cimato Enterprises, Inc. covering the abovementioned subdivision.

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

ITEM 14 - AWARD OF CONTRACT TO METRO DEVELOPMENT OF WNY, LLC 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 - \$66,700.00

Motion by Mr. Warthling seconded by Mr. Swiatek

WHEREAS, The Erie County Water Authority ("Authority") heretofore advertised in the Dodge Reports and Front Page on the 22nd day of August, 2007, and in Business First on the 24th day of August, 2007, a notice inviting sealed bids or proposals in accordance with 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, Sealed bids or proposals were opened in the office of the Authority on the 11th day of September, 2007, at 11:00 a.m., local time, and were as follows:

BIDDERS	AMOUNT
Metro Development of WNY, LLC	\$66,700.00
R.B. Mac Construction Company, Inc.	83,000.00
Hadala Construction, Inc.	119,900.00; and

WHEREAS, The bid bonds have all been approved by Anthony Alessi, Claims Representative/Risk Manager; 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 Metro Development of WNY, LLC proceed with their contract; and

WHEREAS, Watts Architecture & Engineering, P.C., Consulting Engineers, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director have reviewed the specifications and bids and determined that Metro Development of WNY, LLC 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 Metro Development of WNY, LLC 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 Contract No. WE-003-A, 2007 bathroom renovations & improvements at the Authority's Service Center, Cheektowaga, New York in the total amount of \$66,700.00; 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: Two; Commrs. Swiatek and Warthling
Noes: None

ITEM 15 - APPROVAL OF CHANGE ORDER NO. 2 OF MAR-WAL CONSTRUCTION CO., INC. FOR CONTRACT NO. WE-002, WATER SYSTEM IMPROVEMENTS IN THE TOWN OF CHEEKTOWAGA, PROJECT NO. 200600181, CONTRACT NO. 07-14-03 - \$11,299.57

Motion by Mr. Warthling seconded by Mr. Swiatek

WHEREAS, Heretofore and on the 28th day of February, 2007, the Erie County Water Authority ("Authority") entered into a contract with Mar-Wal Construction Co., Inc. for Contract No. WE-002, water system improvements in the Town of Cheektowaga, identified as Contract No. 07-14-03; and

WHEREAS, Said contractor has submitted Change Order No. 2 in the sum of \$11,299.57 to provide for the following changes:

1. Additional work associated with installing 8-inch watermain at George Urban Blvd. near Cherokee Drive.
2. Additional work associated with restoration of 8-inch watermain at the stream crossing at George Urban Blvd. near Seminole Lane; and

WHEREAS, The reasons for the above changes are as follows:

1. An environmental concern required remediation. This concern was not anticipated in the original scope of the Project and an extension in the contract time is necessary.
2. The Town of Cheektowaga requested that the contractor replace stone rip-rap and with topsoil, seed, and turf reinforcement. This concern was not indicated in the original scope of the Project; and

WHEREAS, Watts Architecture & Engineering, P.C., Consulting Engineers, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend approval of said Change Order No. 2;

NOW, THEREFORE, BE IT RESOLVED:

That Change Order No. 2 of Mar-Wal Construction Co., Inc. in the amount of \$11,299.57 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 Change Order No. 2 on behalf of the Authority.

Ayes: Two; Commrs. Swiatek and Warthling
Noes: None

**ITEM 16 - RATIFICATION OF THE INSTALLATION OF HYDRANTS AND VALVES
AND RETIREMENT OF EXISTING HYDRANTS AND VALVES - VARIOUS
LOCATIONS**

Motion by Mr. Warthling seconded by Mr. Swiatek

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 Cambridge Road and Windermere Blvd., Town of Amherst with a new Clow hydrant on 5/18/07. Work done by ECWA forces under Work Authorization No. 107.200 5702.

Old Kennedy hydrant originally installed in 1976 was scrapped and retired under Retirement Authorization No. R070025.

Replace existing hydrant at Old Oak Post Road & Kinderhook Ct., Town of Amherst with a new Clow hydrant on 5/15/07. Work done by ECWA forces under Work Authorization No. 107.200 5698.

Old Eddy hydrant originally installed was scrapped and retired under Retirement Authorization No. R070023.

Install new "T", valve and hydrant at 291 Windermere Blvd., Town of Amherst on 4/10/07. Work done by ECWA forces under Work Authorization No. 107.200 5690.

Replace existing hydrant at 35 Duchess Ct., Town of Cheektowaga with a new Clow hydrant on 6/25/07. Work done by ECWA forces under Work Authorization No. 107.200 5705.

Old Mueller hydrant originally installed in 1961 was scrapped and retired under Retirement Authorization No. R070028.

Replace existing hydrant at 191 East Grand Blvd., Town of Cheektowaga with a new Clow hydrant on 5/14/07. Work done by ECWA forces under Work Authorization No. 107.200 5697.

Old Iowa hydrant originally installed in 1947 was scrapped and retired under Retirement Authorization No. R070022.

2263

Removed existing 6" line valve at George Urban Blvd. and Kilbourne Rd., Town of Cheektowaga on 7/12/07. Work done by ECWA forces under Work Authorization No. 107.200 5711.

Old 6" valve originally installed in 1949 was scrapped and retired under Retirement Authorization No. R070034.

Replace existing hydrant at 826 Maryvale Dr., Town of Cheektowaga with a new Clow hydrant on 5/14/07. Work done by ECWA forces under Work Authorization No. 107.200 5704.

Old Mathews hydrant originally installed in 1960 was scrapped and retired under Retirement Authorization No. R070027.

Replace existing valve at 87 Peach Road, Town of Cheektowaga with a new 6" resilient valve on 4/30/07. Work done by ECWA forces under Work Authorization No. 107.200 5693.

Old 6" valve originally installed in 1926 was scrapped and retired under Retirement Authorization No. R070020.

Replace existing valve at 59 Peach Road, Town of Cheektowaga with a new 6" resilient valve on 5/7/07. Work done by ECWA forces under Work Authorization No. 107.200 5694.

Old 6" valve originally installed in 1926 was scrapped and retired under Retirement Authorization No. R070021.

Replace existing 8" line valve at 1078 Walden Ave., Town of Cheektowaga with a new 8" resilient valve on 7/11/07. Work done by ECWA forces under Work Authorization No. 107.200 5709.

Old 8" valve originally installed in 1903 was scrapped and retired under Retirement Authorization No. R070032.

Replace existing hydrant at 480 Walton Dr., Town of Cheektowaga with a new Clow hydrant on 4/19/07. Work done by ECWA forces under Work Authorization No. 107.200 5691.

Old Iowa hydrant originally installed in 1941 was scrapped and retired under Retirement Authorization No. R070018.

Replace existing valve at 2 Winkler Rd., Town of Cheektowaga with a new 6" resilient valve on 4/24/07. Work done by ECWA forces under Work Authorization No. 107.200 5692.

10/11/07

Old 6" valve originally installed in 1926 was scrapped and retired under Retirement Authorization No. R070019.

Replace existing hydrant at 10141 Greiner Rd., Town of Clarence with a new Clow hydrant on 7/9/07. Work done by ECWA forces under Work Authorization No. 107.200 5708.

Old Kennedy hydrant originally installed pre 1999 was scrapped and retired under Retirement Authorization No. R070031.

Replace existing hydrant at Karen Pl. & Clardon Dr., Town of Cheektowaga with a new Clow hydrant on 7/4/07. Work done by ECWA forces under Work Authorization No. 107.200 5707.

Old Mathews hydrant originally installed pre 1999 was scrapped and retired under Retirement Authorization No. R070030.

Replace existing 4" line valve at Hillview Pl. and Long Ave., Village of Hamburg with a new 4" resilient valve on 7/10/07. Work done by ECWA forces under Work Authorization No. 107.200 5710.

Old 4" valve originally installed was scrapped and retired under Retirement Authorization No. R070033.

Replace existing valve at East Niagara St. & Douglas St., City of Tonawanda with a new 8" resilient valve on 3/28/07. Work done by ECWA forces under Work Authorization No. 107.200 5689.

Old 8" valve originally installed pre 2005 was scrapped and retired under Retirement Authorization No. R070016.

Replace existing hydrant at Minerva St., N.E. corner Main St., City of Tonawanda with a new Clow hydrant on 5/21/07. Work done by ECWA forces under Work Authorization No. 107.200 5703.

Old hydrant originally installed pre 2005 was scrapped and retired under Retirement Authorization No. R070026.

Cut in new valve at Indian Church Rd., Town of West Seneca on 8/20/07. Work done by ECWA forces under Work Authorization No. 107.200 5726.

Replace existing valve at Main St. and Hilldale Ave., Town of West Seneca with a new 6" resilient valve on 8/30/07. Work done by ECWA forces under Work Authorization No. 107.200 5734.

Old 6" valve originally installed was scrapped and retired under Retirement Authorization No. R070050; 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: Two; Commrs. Swiatek and Warthling
Noes: None

ITEM 17 - AUTHORIZATION TO REFUND SERVICE CONNECTION FEE TO DAVE JANCA - \$1,000.00

Motion by Mr. Warthling seconded by Mr. Swiatek

WHEREAS, On the 23rd day of May, 2007, Dave Janca applied for a two-inch service to 1424 Quaker Road, Town of Aurora, New York and deposited with the Erie County Water Authority ("Authority") the sum of \$2,400.00; and

WHEREAS, Steven D'Amico, Customer Service Representative, has advised that the customer initially applied and paid for a two inch service but changed to a one-inch service; and

WHEREAS, Albert J. Meaney, Comptroller, recommends that the Authority refund \$1,000 deposit of Dave Janca; and

NOW, THEREFORE, BE IT RESOLVED:

That the Comptroller be and he hereby is authorized and directed to refund \$1,000.00 to Dave Janca.

Ayes: Two; Commrs. Swiatek and Warthling
Noes: None

ITEM 18 - CREATION OF BUDGET DIRECTOR POSITION

Motion by Mr. Warthling seconded by Mr. Swiatek

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 Budget Director, Salary Grade 27E of the Authority's Career and Salary Plan, subject to the review and approval of the Erie County Personnel Officer effective October 11, 2007.

Ayes: Two; Commrs. Swiatek and Warthling
Noes: None

ITEM 19 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL BUDGET FOR FISCAL YEAR 2007

Motion by Mr. Warthling seconded by Mr. Swiatek

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 add the position of Budget Director (Salary Grade 27E); and

WHEREAS, The funding for this position, amounting to \$19,796 which includes fringe benefits, and is for the period of November 1, 2007 thru December 31, 2007, can be obtained from idle, and expected to be unspent in 2007, funds in the vacant line item position of Chief Business Office Manager/Budget Director (Salary Grade 28E); and

WHEREAS, Robert A. Mendez, Executive Director, Robert J. Lichtenthal, Deputy Director, and Matthew J. Baudo, Secretary to the Authority, recommend approval of said amendment;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority's Annual Budget for the fiscal year 2007 be amended by adding the position of Budget Director (Salary Grade 27E), and transferring \$19,796 to fund this position for the period of November 1, 2007 thru December 31, 2007, from the vacant line item position of Chief Business Office Manager/Budget Director (Salary Grade 28E).

Ayes: Two; Commrs. Swiatek and Warthling
Noes: None

ITEM 20 - AUTHORIZATION TO AMEND ITEM NO. 9 OF THE ERIE COUNTY WATER AUTHORITY'S ANNUAL MEETING HELD ON MAY 2, 2007 RELATIVE TO THE APPOINTMENT OF ASSISTANT SECRETARY

Motion by Mr. Warthling seconded by Mr. Swiatek

WHEREAS, Heretofore and on the 2nd day of May, 2007 the Board of Commissioners of the Erie County Water Authority ("Authority") elected Edward J. Kasprzak as Assistant Secretary to the Authority; and

WHEREAS, Edward J. Kasprzak has retired from the Authority and Robert J. Lichtenthal, Jr. has been appointed Deputy Director; and

WHEREAS, Due to the above, the Authority deems it necessary to amend Item No. 9 of the Authority's annual meeting held on May 2, 2007 electing Robert J. Lichtenthal, Jr. as Assistant Secretary to the Authority;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority amend Item No. 9 of the Authority's annual meeting held on May 2, 2007 electing Robert J. Lichtenthal, Jr. as Assistant Secretary to the Authority.

Ayes: Two; Commrs. Swiatek and Warthling

Noes: None

ITEM 21 - AUTHORIZATION TO AMEND ITEM NO. 15 OF THE ERIE COUNTY WATER AUTHORITY'S ANNUAL MEETING HELD ON MAY 2, 2007 RELATIVE TO THE APPROVAL OF INDIVIDUALS TO VIEW DAILY BALANCES AND CHECK CLEARING AT JP MORGAN CHASE BANK AND KEY BANK ON THE INTERNET ON BEHALF OF THE ERIE COUNTY WATER AUTHORITY

Motion by Mr. Warthling seconded by Mr. Swiatek

WHEREAS, Heretofore and on the 2nd day of May, 2007 the Board of Commissioners of the Erie County Water Authority ("Authority") authorized certain individuals to view daily balances and check clearing at JP Morgan Chase Bank and Key Bank on the Internet on behalf of the Authority; and

WHEREAS, Robert J. Lichtenthal, Jr. has recently been appointed Deputy Director of the Authority; and

WHEREAS, Due to the above, the Authority deems it necessary to amend Item No. 15 of the Authority's annual meeting held on May 2, 2007 adding Robert J. Lichtenthal, Jr. as an individual authorized to view daily balances and check clearing at JP Morgan Chase Bank and Key Bank on the Internet on behalf of the Authority;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority amend Item No.15 of the Authority's annual meeting held on May 2, 2007 adding Robert J. Lichtenthal, Jr. as an individual authorized to view daily balances and check clearing at JP Morgan Chase Bank and Key Bank on the Internet on behalf of the Authority.

Ayes: Two; Commrs. Swiatek and Warthling
Noes: None

ITEM 22 - AUTHORIZATION TO AMEND ITEM NO. 22 OF THE ERIE COUNTY WATER AUTHORITY'S ANNUAL MEETING HELD ON MAY 2, 2007 RELATIVE TO THE APPROVAL OF INDIVIDUALS TO AUTHORIZE INVESTMENT TRANSACTIONS EXECUTED BY CITIZENS INVESTMENT MANAGEMENT SERVICES (FORMERLY BLACKROCK PRIVATE INVESTORS)

Motion by Mr. Warthling seconded by Mr. Swiatek

WHEREAS, Heretofore and on the 2nd day of May, 2007 the Board of Commissioners of the Erie County Water Authority ("Authority") approved certain individuals to authorize investment transactions executed by Blackrock Private Investors; and

WHEREAS, Heretofore and on the 16th day of August, 2007 the Authority amended the resolution changing Blackrock Private Investors to Citizens Investment Management Services;

WHEREAS, Robert J. Lichtenthal, Jr. has recently been appointed Deputy Director of the Authority; and

WHEREAS, Due to the above, the Authority deems it necessary to amend Item No. 22 of the Authority's annual meeting held on May 2, 2007 adding Robert J. Lichtenthal, Jr. as an individual to authorize investment transactions executed by Citizens Investment Management Services on behalf of the Authority;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority amend Item No.22 of the Authority's annual meeting held on May 2, 2007 adding Robert J. Lichtenthal, Jr. as an individual to authorize investment Citizens Investment Management Services.

Ayes: Two; Commrs. Swiatek and Warthling
Noes: None

ITEM 23 - PURCHASE ORDERS:

Motion by Mr. Warthling seconded by Mr. Swiatek and carried to approve for payment of Purchase Order Nos. as listed on the attached sheets pages 13-20 after certification by the Comptroller that the orders are in accordance with the quotations and that the Director of

Administration be authorized to execute the above and all associated documents after certifying that they are in conformity with applicable laws and the Authority's By-Laws and Purchasing Guidelines, Policies and Procedures.

ITEM 24 - PURCHASE ORDER AMENDMENTS:

Motion by Mr. Warthling seconded by Mr. Swiatek and carried to approve for payment of Purchase Order Amendments as listed on the attached sheet page 21 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. Warthling seconded by Mr. Swiatek and carried to approve Service Connection Work Order Nos. 07-40 and 07-41, 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, October 25, 2007 at 4:00 p.m.

Matthew J. Baudo
Secretary to the Authority

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