

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 350 Ellicott Square Building, Buffalo, New York, on the 15th day of November, 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
Mark J. Fuzak, Attorney
Ronald P. Bennett, Associate Attorney
Paul H. Riester, Director of Administration
Karla L. Thomas, Director of Human Resources
Daniel J. NeMoyer, Public Affairs Officer
Albert J. Meaney, Comptroller
Steven V. D'Amico, Budget and Financial Analyst

ATTENDEES: **Danielle Elliott**

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 Thursday, October 25, 2007.

III. - APPROVAL OF MINUTES

Motion by Mr. Warthling seconded by Mr. Swiatek and carried to approve the Minutes of the Meeting held on Thursday, October 25, 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 - CREATION OF MASTER PURCHASE ORDERS:

Motion by Mr. Warthling seconded by Mr. Swiatek and carried to approve the creation of Master Purchase Order Nos. as listed on the attached sheet page 1 not to exceed the amount of \$18,000.00 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 2 - 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 1-9 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 3-27)

ITEM 3 - FINAL ACCEPTANCE OF PROJECT WITH NICHOLS LONG & MOORE CONSTRUCTION CORP. FOR EMERGENCY WATERMAIN REPAIR CONTRACT FOR THE PERIOD OF AUGUST 1, 2005 THROUGH JULY 31, 2007, PROJECT NO. 200500180, CONTRACT NO. 05-22-07 - \$47,985.88

Motion by Mr. Warthling seconded by Mr. Swiatek

WHEREAS, Heretofore and on the 5th day of July, 2005, the Erie County Water Authority ("Authority") entered into a contract with Nichols Long & Moore Construction Corp. for Emergency Watermain Repair Contract for the period of August 1, 2005 through July 31, 2007, identified as Contract No. 05-22-07; and

WHEREAS, Nichols Long & Moore Construction Corp. has submitted a final invoice dated October 23, 2007 in the amount of \$47,985.88; and

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

NOW, THEREFORE, BE IT RESOLVED:

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

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

**ITEM 4 - 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 November 1, 2007 that there was available on November 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 5 - 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 November 1, 2007 that there was available on October 25, 2007 the following amounts in the Debt Service Fund Water Works System Revenue Bonds, Series 1993A:

Secondary Interest Account	\$80,789.74
Payment Account	\$39,293.59

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 \$80,789.74 and Payment Account in the amount of \$39,293.59 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 \$80,789.74 and Payment Account in the amount of \$39,293.59 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 BONDS, SERIES 1993B - \$73,625.00

Motion by Mr. Warthling seconded by Mr. Swiatek

WHEREAS, Susan Rinaldo, Cash Manager, advised under the date of November 1, 2007 that there was available on October 25, 2007 the following amounts in the Debt Service Fund Water Works System Revenue Bonds, Series, 1993B:

Secondary Interest Account	\$44,067.12
Payment Account	\$29,557.88

and has recommended that the Manufacturers & Traders Trust Company, as Fiscal Agent, be authorized to invest the Secondary Interest Account in the amount of \$44,067.12 and Payment Account in the amount of \$29,557.88 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 \$44,067.12 and Payment Account in the amount of \$29,557.88 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 7 - 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 November 1, 2007 that there was available on November 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 8 - RATIFICATION OF THE INVESTMENT OF FUNDS FROM THE MANUFACTURERS & TRADERS TRUST COMPANY, DEBT SERVICE FUND WATER WORKS SYSTEM REVENUE REFUNDING BONDS, SERIES 1998B - \$112,094.89

Motion by Mr. Warthling seconded by Mr. Swiatek

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

Interest Account	\$47,511.56
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 \$47,511.56 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 \$47,511.56 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 9 - 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 November 1, 2007 that there was available on November 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: Two; Commrs. Swiatek and Warthling
Noes: None

ITEM 10 - AUTHORIZATION TO SOLICIT REQUEST FOR PROPOSALS FOR LOCKBOX 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 banking institutions for lockbox services; 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 lockbox 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, Robert J. Lichtenthal, Jr., Deputy Director, 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 banking institutions to provide lockbox services.

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

ITEM 11 - AWARD OF CONTRACT TO SOLVAY FLUORIDES, LLC FOR THE FURNISHING AND DELIVERING OF FLUOSILICIC ACID TO THE ERIE COUNTY WATER AUTHORITY FOR USE IN THE TREATMENT OF WATER FOR ONE YEAR FROM OCTOBER 1, 2007 THROUGH SEPTEMBER 30, 2008, PROJECT NO. 200700497 - \$322,800.00

Motion by Mr. Warthling seconded by Mr. Swiatek

WHEREAS, The Erie County Water Authority (the "Authority") heretofore advertised in the Dodge Reports and Front Page on the 26th day of September, 2007, and in Business First on the 28th day of September, 2007, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for the furnishing and delivering of fluosilicic acid to the Erie County Water Authority for use in the treatment of water for one year from October 1, 2007 through September 30, 2008; and

WHEREAS, A sealed bid or proposal was opened in the office of the Authority on the 9th day of October, 2007, at 11:00 a.m., local time, and was as follows:

BIDDER	AMOUNT
Solvay Fluorides, LLC*	\$322,800.00

* Only bid received; and

WHEREAS, Anthony Alessi, Claims Representative/Risk Manager, Mark J. Fuzak, Counsel and Wesley C. Dust, Executive Engineer deem it in the best interest of the Authority to waive the five percent bid deposit for the above-referenced contract; and

WHEREAS, Tamekia Hall, Director of Equal Employment Opportunity, has advised that the low bidder, Solvay Fluorides, LLC has complied with the Authority's Affirmative Action Requirements and recommends that they be allowed to proceed with their contract based on that fact; and

WHEREAS, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director have reviewed the specification and bid and determined that Solvay Fluorides, LLC is a responsible bidder qualified to perform the project and have recommended that a contract be awarded to that firm for the abovementioned project;

NOW, THEREFORE, BE IT RESOLVED:

That it is hereby determined that Solvay Fluorides, LLC is a responsible bidder for the abovementioned project, and that the Chairman be and he hereby is authorized and directed to execute a contract with said contractor for the furnishing and delivering of fluosilicic acid to the Erie County Water Authority for use in the treatment of water for one year from October 1, 2007 through September 30, 2008 in the total amount of \$322,800.00; 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: Two; Commrs. Swiatek and Warthling

Noes: None

ITEM 12 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR LANDSCAPING, GROUND IMPROVEMENTS AND MAINTENANCE OF PROPERTIES OF THE ERIE COUNTY WATER AUTHORITY, ERIE COUNTY, NEW YORK FROM APRIL 15, 2008 TO NOVEMBER 15, 2010, PROJECT NO. 200800001

Motion by Mr. Warthling seconded by Mr. Swiatek

WHEREAS, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend that the Erie County Water Authority ("Authority") publish a notice inviting sealed bids or proposals pursuant to Section 1069 of the Public Authorities Law for landscaping, ground improvements and maintenance properties of the Erie County Water Authority, Erie County, New York from April 15, 2008 to November 15, 2010; and

WHEREAS, The work, labor and services for the abovementioned project is estimated to cost an amount in excess of \$5,000.00; and

WHEREAS, The Advertisement for Bids for landscaping, ground improvements and maintenance properties of the Erie County Water Authority, Erie County, New York from April 15, 2008 to November 15, 2010 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, Jay F. Meyers, Production Engineer will be the designated contact person for the project with the adoption of this resolution;

NOW, THEREFORE, BE IT RESOLVED:

That the plans and specifications and form of bid be prepared for the landscaping, ground improvements and maintenance properties of the Erie County Water Authority, Erie County, New York from April 15, 2008 to November 15, 2010 and upon completion be made available for inspection by bidders in the office of the Authority; and be it further

RESOLVED: That the Secretary be and he hereby is authorized and directed to publish a notice inviting sealed bids or proposals pursuant to Section 1069 of the Public Authorities Law for the abovementioned project.

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

**ITEM 13 - APPROVAL OF CHANGE ORDER NO. 1 OF QUACKENBUSH CO., INC.
FOR CONTRACT NO. SW-004, CHESTNUT RIDGE AND GARTMAN
PUMP STATIONS, ORCHARD PARK, NEW YORK, PROJECT NO.
200600111, CONTRACT NO. 07-15-04 - \$15,554.00**

Motion by Mr. Warthling seconded by Mr. Swiatek

WHEREAS, Heretofore and on the 8th day of March, 2007, the Erie County Water Authority ("Authority") entered into a contract with Quackenbush Co., Inc. for SW-004, Chestnut Ridge and Gartman Pump Stations, Orchard Park, New York, identified as Contract No. 07-15-04; and

WHEREAS, Said contractor has submitted Change Order No. 1 in the sum of \$15,554.00 to provide for the following changes:

1. Deletion of basement wall painting at Chestnut Ridge and Gartman Road Pumping Stations.
2. Deletion of pump straightening vanes at Chestnut Ridge and Gartman Road Pumping Stations.
3. Modifications of the electrical service at Chestnut Ridge and Gartman Road Pumping Stations.
4. Reimbursement of electrical service application fees for New York State Electric and Gas.
5. Installation of wye neutral service required by New York State Electric and Gas.

6. Installation of a tank overflow drain and appurtenances at Chestnut Ridge Pumping Station.
7. Extra cost associated with the installation of the first floor slab at Chestnut Ridge Pumping Station.
8. Installation of photo-eyes for operation of exterior security lighting at Chestnut Ridge and Gartman Pumping Stations.
9. Reimbursement of National Fuel Gas new customer deposit; and

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

1. The painting of the basement walls is not required.
2. The pump manufacturer indicated that the specified straightening vanes are not required.
3. The original contract documents required the installation of pad mounted transformers. Subsequently, New York State Electric and Gas advised that these transformers would be a long lead delivery item. The installation of pole mounted transformers provided a credit to the contract without compromising the integrity of the service.
4. The Electrical Service Application fees were a requirement to be paid by the Authority. The contractor made payment to expedite the service installation.
5. New York State Electric and Gas requires wye neutral wires to be installed from the transformer to the service meter. This was not a requirement at the time of design.
6. Provisions were not included in the Contract documents to convey tank overflow at Chestnut Ridge necessitating the installation of a receiver and drainage pipe.
7. The contractor incurred additional costs beyond his control due to an unexpected tank overflow.
8. Photo-eye operation of the exterior lighting is required to enhance security.
9. National Fuel Gas requires a new customer deposit for all new commercial service accounts; and

WHEREAS, Stearns & Wheler, LLC, Consulting Engineers, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend approval of said Change Order No. 1;

NOW, THEREFORE, BE IT RESOLVED:

That Change Order No. 1 of Quackenbush Co., Inc. in the amount of \$15,544.00 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 Change Order No. 1 on behalf of the Authority.

Ayes: Two; Commrs. Swiatek and Warthling

Noes: None

ITEM 14 - APPROVAL OF MASTER PURCHASE ORDER AMENDMENT NO. 1 OF DIDONATO ASSOCIATES, P.E., P.C. TO RENDER PROFESSIONAL ENGINEERING SERVICES IDENTIFIED AS CONTRACT NO. DA-005, WATER SYSTEM IMPROVEMENTS IN THE TOWNS OF AMHERST, CHEEKTOWAGA, HAMBURG AND WEST SENECA, VILLAGE OF DEPEW AND CITIES OF LACKAWANNA AND TONAWANDA, NEW YORK, PROJECT NO. 200400490, MASTER PURCHASE ORDER NO. 4811-DA5 - \$78,623.00

Motion by Mr. Warthling seconded by Mr. Swiatek

WHEREAS, Heretofore and on the 17th day of February, 2005, the Erie County Water Authority ("Authority") entered into an agreement with DiDonato Associates, P.E., P.C. for Contract No. DA-005, design and construction of watermains in the Towns of Amherst, Cheektowaga, Hamburg and West Seneca, Village of Depew, and Cities of Lackawanna and Tonawanda, New York, identified as Master Purchase Order No. 4811-DA5; and

WHEREAS, The work was completed under two construction contracts: Contract DA-005A, water system improvements in the Towns of Amherst and Cheektowaga, Village of Depew, and Cities of Lackawanna and Tonawanda, New York and Contract DA-005B, water system improvements in the Towns of Cheektowaga, Hamburg and West Seneca, Village of Depew and City of Lackawanna; and

WHEREAS, Richard M. Rosenberry, Sr. Distribution Engineer submitted Master Purchase Order Amendment No. 1 in the amount of \$78,623.00 for the following changes:

1. Add \$48,623 to Line Item 4 – Resident Inspection Contract DA-5A and Add \$30,000 to Line Item 11 – Resident Inspection Contract DA-5B.
2. Change expiration date of Contract to 12/31/07; and

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

1. The additional costs represent the actual inspection costs incurred on Contract DA-5A and the estimated inspection costs expected on Contract DA-5B.
2. All work is expected to be completed by 12/31/07.

WHEREAS, Paul H. Riester, Director of Administration, Wesley C. Dust, Executive Engineer and Robert A. Mendez, Executive Director recommend approval of said Master Purchase Order Amendment No. 1;

NOW, THEREFORE, BE IT RESOLVED:

That Master Purchase Order Amendment No. 1 of DiDonato Associates, P.E., P.C. to provide for the abovementioned change be approved; and be it further

RESOLVED: That the Budget Director be and he hereby is directed to make the necessary budgetary changes.

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

ITEM 15 - APPROVAL OF MASTER PURCHASE ORDER AMENDMENT NO. 1 OF WM. SCHUTT & ASSOCIATES, P.C. FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH CONTRACT NO. WSA-05, WATER SYSTEM IMPROVEMENTS IN THE CITY OF TONAWANDA, NEW YORK, PROJECT NO. 200500153, MASTER PURCHASE ORDER NO. 7722-WSA5 - \$27,800.00

Motion by Mr. Warthling seconded by Mr. Swiatek

WHEREAS, Heretofore and on the 26th day of May, 2005, the Erie County Water Authority ("Authority") entered into an agreement with Wm. Schutt & Associates, P.C. for professional engineering services in connection with Contract No. WSA-05, water system improvements in the City of Tonawanda, New York, identified as Master Purchase Order No. 7722-WSA5; and

WHEREAS, Richard M. Rosenberry, Sr. Distribution Engineer submitted Master Purchase Order Amendment No. 1 to add \$27,800 to Line Item 4 – Resident Inspection and change the expiration date of contract to 12/31/07; and

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

1. The additional costs represent the actual inspection costs incurred.
2. All work is expected to be completed by 12/31/07.

WHEREAS, Paul H. Riester, Director of Administration, Wesley C. Dust, Executive Engineer and Robert A. Mendez, Executive Director recommend approval of said Master Purchase Order Amendment No. 1;

NOW, THEREFORE, BE IT RESOLVED:

That Master Purchase Order Amendment No. 1 of Wm. Schutt & Associates, P.C. to provide for the abovementioned change be approved; and be it further

RESOLVED: That the Budget Director be and he hereby is directed to make the necessary budgetary changes.

Ayes: 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:

Install new 6" resilient gate valve at 1370 Union Road on Holland side, Town of West Seneca on 10/18/07. Work done by ECWA forces under Work Authorization No. 107.200 5749.

Replace existing valve at Clinton Street & French Road, Town of West Seneca with a new 6" resilient valve on 10/29/07. Work done by ECWA forces under Work Authorization No. 107.200 5752.

Valve originally installed in 1914 was scrapped and retired under Retirement Authorization No. R70065.

Replace existing hydrant at 285 Morgan Parkway, City of Tonawanda with a new Clow hydrant on 10/24/07. Work done by ECWA forces under Work Authorization No. 107.200 5751.

4" Holly hydrant originally installed pre 2004 was scrapped and retired under Retirement Authorization No. R70064.

Replace existing hydrant at 141 Ellicott Creek, Town of Cheektowaga with a new Clow hydrant on 10/17/07. Work done by ECWA forces under Work Authorization No. 107.200 5747.

Kennedy K-11 hydrant originally installed in 1970 was scrapped and retired under Retirement Authorization No. R70061.

Replace existing hydrant at Transit Rd. & Lapp Rd., Town of Clarence with a new Clow hydrant on 10/17/07. Work done by ECWA forces under Work Authorization No. 107.200 5748.

Kennedy hydrant originally installed in 1961 was scrapped and retired under Retirement Authorization No. R70062; 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 INSTALL ONE HYDRANT AT 6204 GOODRICH ROAD, TOWN OF CLARENCE, NEW YORK, PROJECT NO. 200700603, EC NO. 5750

Motion by Mr. Warthling seconded by Mr. Swiatek

WHEREAS, In a resolution dated, August 29, 2007, the Town Board of the Town of Clarence authorized the Erie County Water Authority ("Authority") to install one hydrant at 6204 Goodrich Road, Town of Clarence, New York under the Authority's annual large service contract; and

WHEREAS, This hydrant installation has been assigned Work Authorization No. EC

2369

5750 and Project No. 200700603;

11/15/07

NOW, THEREFORE, BE IT RESOLVED:

That one hydrant be installed at 6204 Goodrich Road, Town of Clarence, New York under the Authority's annual large service contract.

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

ITEM 18 - AUTHORIZATION TO REFUND SERVICE CONNECTION FEE TO ROY B. WALTER - \$1,400.00

Motion by Mr. Warthling seconded by Mr. Swiatek

WHEREAS, On the 6th day of July, 2007, Roy B. Walter applied for a ¾ inch service to 13414 Main Road, Town of Newstead, New York and deposited with the Erie County Water Authority ("Authority") the sum of \$1,400.00; and

WHEREAS, Richard Rosenberry, Sr. Distribution Engineer advised that the house burned down after customer paid tap fee; and

WHEREAS, Albert J. Meaney, Comptroller, recommends that the Authority refund the \$1,400.00 deposit of Roy B. Walter; and

NOW, THEREFORE, BE IT RESOLVED:

That the Comptroller be and he hereby is authorized and directed to refund \$1,400.00 to Roy B. Walter.

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 (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, Matthew J. Baudo, Secretary to the Authority, has advised that it would be in the Authority’s best interest to purchase required Computers and Peripherals for support of daily operations; and

WHEREAS, In order to properly fund this project, it is necessary to re-allocate budget funds by transferring \$360,000 from unused, and not expected to be used, funds from various line items in the O & M budget for 2007, as follows:

<u>Unit No.</u>	<u>Internal No:</u>	<u>Description:</u>	<u>Increase</u>	<u>Decrease</u>
3025	68	PC’s and Peripherals	\$360,000	
1010	14	Power Purchased		\$300,000
1010	13	Chemicals		10,000
1015	14	Power Purchased	_____	<u>50,000</u>
Totals			\$360,000	\$360,000

WHEREAS, Robert A. Mendez, Executive Director, Robert J. Lichtenthal Jr., Deputy Director, 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 \$360,000 from unused, and not expected to be used, funds from various line items in the O&M budget for 2007, as listed above.

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

ITEM 20 - AUTHORIZATION TO AMEND POLICY NO. 13.0 (PHYSICAL STANDARDS AND REQUIREMENTS POLICY) OF THE ERIE COUNTY WATER AUTHORITY'S HUMAN RESOURCES POLICIES/ PROCEDURES MANUAL

Motion by Mr. Warthling seconded by Mr. Swiatek

WHEREAS, Heretofore and on the 18th day of May, 1995, by Resolution Item No. 25, the Erie County Water Authority (the "Authority") adopted a Human Resources Policies/ Procedures Manual; and

WHEREAS, Heretofore and on the 27th day of December, 2005 the Authority adopted a revised Human Resources Policies/Procedures Manual; and

WHEREAS, Heretofore and on the 17th day of July, 2007 the Authority adopted a Physical Standards & Requirements Policy to incorporate into the Human Resources Policies/Procedures Manual; and

WHEREAS, Matthew J. Baudo, Secretary to the Authority advises that it is in the best interest of the Authority to amend Policy No. 13.0 (Physical Standards & Requirements Policy) of said manual adding the position of Meter Service Worker as noted on Schedule "A" attached; and

WHEREAS, Matthew J. Baudo, Secretary to the Authority recommends amending Policy No. 13.0 (Physical Standards & Requirements Policy) of the Authority's Human Resources Policies/Procedures Manual adding the position of Meter Service Worker; and

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

NOW, THEREFORE, BE IT RESOLVED:

That the Authority amend Policy No. 13.0 (Physical Standards & Requirements Policy) of the Authority's Human Resources Policies/Procedures Manual adding the position of Meter Service Worker as noted on Schedule "A" attached.

Ayes: Two; Commrs. Swiatek and Warthling

Noes: None

ITEM 21 - AUTHORIZATION TO AMEND ITEM NO. 18 OF THE MINUTES OF THE MEETING OF THE ERIE COUNTY WATER AUTHORITY HELD ON OCTOBER 11, 2007 IN CONNECTION WITH THE CREATION OF BUDGET DIRECTOR POSITION

Motion by Mr. Lichtenthal seconded by Mr. Warthling

WHEREAS, Heretofore and on the 11th day of October 2007 the Board of Commissioners approved the creation of Budget Director; and

WHEREAS, The Authority deems it necessary to amend Item No. 18 of the Minutes of the Meeting of the Erie County Water Authority held on October 11, 2007 changing the created title of Budget Director to Budget and Financial Analyst;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority amend Item No. 18 of the Minutes of the Meeting of the Erie County Water Authority held on October 11, 2007 changing the created title of Budget Director to Budget and Financial Analyst.

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

ITEM 22 - RUSSELL MCCLEOD - LEAVE OF ABSENCE

Motion by Mr. Warthling seconded by Mr. Swiatek and carried to grant Russell McCleod a leave of absence from his permanent position of Water Utility Worker during his probationary period as Skilled Water Utility Worker.

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

ITEM 23 - PAUL BIGELOW - LEAVE OF ABSENCE

Motion by Mr. Warthling seconded by Mr. Swiatek and carried to grant Paul Bigelow a leave of absence from his permanent position of Meter Service Worker during his provisional appointment as Meter Service Crew Chief.

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

ITEM 24 - DENNIS PICKARD - LEAVE OF ABSENCE

Motion by Mr. Warthling seconded by Mr. Swiatek and carried to grant Dennis Pickard a leave of absence from his permanent position of Meter Service Worker during his provisional appointment as Sr. Meter Service Worker.

Ayes: Two; Commrs. Swiatek and Warthling

Noes: None

ITEM 25 - WILLIAM ADVEY - LEAVE OF ABSENCE

Motion by Mr. Warthling seconded by Mr. Swiatek and carried to grant William Advey a leave of absence from his permanent position of Skilled Water Utility Worker during his probationary period as Crew Chief.

Ayes: Two; Commrs. Swiatek and Warthling

Noes: None

ITEM 26 - 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 10-14 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 27 - SERVICE CONNECTION WORK ORDER LIST:

Motion by Warthling seconded by Mr. Swiatek and carried to approve Service Connection Work Order Nos. 07-44 and 07-45, 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.

2375

VIII. - ADJOURNMENT

Meeting adjourned until the next regular meeting to be held on Friday, November 30, 2007 at 4:00 p.m.

Matthew J. Baudo
Secretary to the Authority

PF

11/15/07