

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 350 Ellicott Square Building, Buffalo, New York, on the 10th day of January, 2008.

PRESENT: **Frank E. Swiatek, Chairman**
Kelly M. Vacco, Vice Chair
Francis G. Warthling, Treasurer
Robert A. Mendez, Executive Director
Matthew J. Baudo, Secretary to the Authority
Robert J. Lichtenthal, Deputy Director
Wesley C. Dust, Executive Engineer
Mark J. Fuzak, Attorney
Paul H. Riester, Director of Administration
Daniel J. NeMoyer, Public Affairs Officer
Albert J. Meaney, Comptroller
Steven V. D'Amico, Budget and Financial Analyst
Karla L. Thomas, Director of Human Resources
Daniel NeMoyer, Public Affairs Officers

ATTENDEES: **Lou Visone**
Norm Castine
Tim Krantz
John McCarthy
John Amend
Channel 2 News
Michael Rosich

CALL TO ORDER

PLEDGE TO THE FLAG

I. - ROLL CALL

II. - READING OF MINUTES

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to waive the reading of the Minutes of the Meeting held on Thursday, December 27, 2007.

III. - APPROVAL OF MINUTES

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve the Minutes of the Meeting held on Thursday, December 27, 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 Mrs. Vacco 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 \$36,100.00 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 Mrs. Vacco and carried to approve for payment of Master Purchase Order Nos. as listed on the attached sheets pages 1-17 after certification by the Comptroller that the orders are in accordance with the quotations and that the Director of Administration be authorized to execute the above and all associated documents after certifying that they are in conformity with applicable laws and the Authority's By-Laws and Purchasing Guidelines, Policies and Procedures.

VI. - UNFINISHED BUSINESS (NONE)

VII. - NEW BUSINESS (RESOLUTIONS 3-22)

ITEM 3 - APPROVAL OF CREDIT CHANGE ORDER NO. 2 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 - \$5,014.00

Motion by Mr. Warthling seconded by Mrs. Vacco

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 Credit Change Order No. 2 in the sum of \$5,014.00 to provide for the following changes:

1. Credit for deletion of final topsoil and seed and asphalt top course at both Chestnut Ridge and Gartman Road Pumping Stations.
2. Extra for removal of gutter downspout at Chestnut Ridge Pumping Station.
3. Extra for four air release valves on the pump discharge at both Chestnut Ridge and Gartman Road Pumping Stations; and

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

1. The construction activities ran into the late Fall and the ability of the contractor to complete the work was impacted by adverse weather and the closing of local asphalt plants.
2. After installation of the gutters it was determined that the northeast downspout at Chestnut Ridge Pumping Station should be removed.
3. To optimize pump operation air release valves were installed at both Chestnut Ridge and Gartman Road Pumping Stations on the pump discharge piping; and

WHEREAS, Stearns & Wheler, LLC, Consulting Engineers, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend approval of said Credit Change Order No. 2;

NOW, THEREFORE, BE IT RESOLVED:

That Credit Change Order No. 2 of Quackenbush Co., Inc. in the amount of \$5,014.00 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 Credit Change Order No. 2 on behalf of the Authority.

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

ITEM 4 - APPROVAL OF MASTER PURCHASE ORDER AMENDMENT NO. 1 OF STEARNS & WHELER, LLC TO RENDER PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH CHESTNUT RIDGE AND GARTMAN PUMP STATION PROJECT, IDENTIFIED AS CONTRACT NO. SW-004, PROJECT NO. 200600111, MASTER PURCHASE ORDER NO. 7815-06SW4 - \$6,000.00

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore and on the 25th day of May, 2006, the Erie County Water Authority ("Authority") entered into a contract with Stearns & Wheler, LLC for Contract No. SW-004, design and construction of new above grade pump stations to replace the existing Chestnut Ridge and Gartman Pump Stations in the Town of Orchard Park, identified as Master Purchase Order No. 7815-06SW4; and

WHEREAS, Richard M. Rosenberry, Sr. Distribution Engineer submitted Master Purchase Order Amendment No. 1 in the amount of \$6,000.00 to line item 3 – Resident Inspection due to anticipated final inspection costs; and

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

NOW, THEREFORE, BE IT RESOLVED:

That Master Purchase Order Amendment No. 1 of Stearns & Wheler, LLC to provide for the abovementioned change be approved; and be it further

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

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

ITEM 5 - APPROVAL OF MASTER PURCHASE ORDER AMENDMENT NO. 1 OF

**CRM CONTRACTING, INC. FOR GENERAL CONTRACTING AT
VARIOUS ERIE COUNTY WATER AUTHORITY FACILITIES, MASTER
PURCHASE ORDER NO. 200515 - \$10,000.00**

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore and on the 20th day of October, 2006, the Erie County Water Authority ("Authority") solicited quotes for general contracting at various Authority facilities; and

WHEREAS, CRM Contracting was the low bidder; and

WHEREAS, Said contract expired on December 31, 2007; and

WHEREAS, Said quote is for a one year period with an option to renew for an additional year; and

WHEREAS, CRM Contracting, Inc. submitted a letter dated December 5, 2007 requesting a one year renewal; and

WHEREAS, Edward J. Kuwik, Sr. Distribution Engineer submitted Master Purchase Order Amendment No. 1 in the amount of \$10,000.00 to CRM Contracting, Inc.; and

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

NOW, THEREFORE, BE IT RESOLVED:

That Master Purchase Order Amendment No. 1 of CRM Contracting, Inc. to provide for the abovementioned change be approved; and be it further

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

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

**ITEM 6 - APPROVAL OF MASTER PURCHASE ORDER AMENDMENT NO. 1 OF
WM. SCHUTT & ASSOCIATES ENGINEERING AND LAND SURVEYING,**

P.C. TO RENDER PROFESSIONAL ENGINEERING SERVICES FOR WATER SYSTEM IMPROVEMENTS IN THE TOWN OF CHEEKTOWAGA, NEW YORK, IDENTIFIED AS CONTRACT NO. WSA-006, PROJECT NO. 200600180, MASTER PURCHASE ORDER NO. 7722-WSA6 - \$15,000.00

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore and on the 25th day of May, 2006, the Erie County Water Authority ("Authority") entered into an agreement with Wm. Schutt & Associates for Contract No. WSA-6, design and construction of approximately 2,640 linear feet of 8-inch watermain of Zoerb Avenue from Union Road to Bahama Lane and approximately 3,100 linear feet of 8-inch watermain on Como Park Blvd. from Transit Road to Borden Road in the Town of Cheektowaga, identified as Master Purchase Order No. 7722-WSA6; and

WHEREAS, Richard M. Rosenberry, Sr. Distribution Engineer submitted Master Purchase Order Amendment No. 1 in the amount of \$15,000.00 to Line Item 4 – Resident Inspection due to additional actual inspection costs; and

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

NOW, THEREFORE, BE IT RESOLVED:

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

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

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 7 - FINAL ACCEPTANCE OF PROJECT WITH 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 - \$166,896.26**

Motion by Mr. Warthling seconded by Mrs. Vacco

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 Contract No. SW-004, Chestnut Ridge and Gartman Pump Stations, Orchard Park, New York, identified as Contract No. 07-15-04; and

WHEREAS, Quackenbush Co., Inc. has submitted a final invoice dated December 20, 2007 in the amount of \$166,896.26; and

WHEREAS, Stearns & Wheler, LLC, 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: Three; Commrs. Swiatek, Vacco and Warthling
Noes: None

ITEM 8 - FINAL ACCEPTANCE OF PROJECT WITH WESTERN NEW YORK CONTRACTORS, INC. FOR CONTRACT NO. WSA-6, WATER SYSTEM IMPROVEMENTS IN THE TOWN OF CHEEKTOWAGA, NEW YORK, PROJECT NO. 200600180, CONTRACT NO. 07-16-04 - \$117,297.70

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore and on the 8th day of March, 2007, the Erie County Water Authority ("Authority") entered into a contract with Western New York Contractors, Inc. for Contract No. WSA-6, water system improvements in the Town of Cheektowaga, New York, identified as Contract No. 07-16-04; and

WHEREAS, Western New York Contractors, Inc. has submitted a final invoice dated December 19, 2007 in the amount of \$117,297.70; and

WHEREAS, Wm. Schutt & Associates, P.C., 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: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 9 - FINAL ACCEPTANCE OF PROJECT WITH 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, PROJECT NO. 200700126, CONTRACT NO. 07-41-10 - \$71,913.09

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore and on the 11th day of October, 2007, the Erie County Water Authority ("Authority") entered into a contract with Metro Development of WNY, LLC for Contract No. WE-003-A, 2007 Bathroom Renovations & Improvements at Authority's Service Center, Cheektowaga, identified as Contract No. 07-41-10; and

WHEREAS, Metro Development of WNY, LLC has submitted a final invoice dated January 2, 2008 in the amount of \$71,913.09; and

WHEREAS, Watts Architecture & Engineering, P.C., 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: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 10 - AWARD OF CONTRACT TO STC CONSTRUCTION, INC. FOR CONTRACT NO. MP-73, STURGEON POINT WATER TREATMENT

**PLANT COAGULATION BASIN UPGRADES, PROJECT NO. 200700016 -
\$20,857,683.00**

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Erie County Water Authority ("Authority") heretofore advertised in the Dodge Reports and Front Page on the 14th day of November, 2007, and in Business First on the 16th day of November, 2007, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for Contract No. MP-73, Sturgeon Point Water Treatment Plant Coagulation Basin Upgrades; and

WHEREAS, Sealed bids or proposals were opened in the office of the Authority on the 18th day of December, 2007, at 11:15 a.m., local time, and were as follows:

BIDDERS	AMOUNT
STC Construction, Inc.	\$20,857,683.00
LP Ciminelli Construction Corp.	21,922,050.00; and

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

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

WHEREAS, Malcolm Pirnie, Inc., Consulting Engineers, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director have reviewed the specifications and bids and determined that STC Construction, Inc. 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 STC Construction, Inc. 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. MP-73, Sturgeon Point Water Treatment Plant Coagulation Basin Upgrades in the total amount of \$20,857,683.00; and be it further

RESOLVED: Pursuant to New York State Finance Law §§139-j and 139-k and the Authority's Purchasing Guidelines, Policies and Procedures with the award and execution by the Authority of this contract, the Restricted Period will cease; and be it further

RESOLVED: That the Secretary be and he hereby is authorized to return to the unsuccessful bidders their deposit submitted with their bid to the Authority for the abovementioned project; and be it further

RESOLVED: That the Director of Administration is hereby authorized and directed to create a Master Purchase Order for the abovementioned contract.

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

ITEM 11 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR CONTRACT NO. EI-001, WATER SYSTEM IMPROVEMENTS IN THE TOWN OF CLARENCE, NEW YORK, PROJECT NO. 200700424

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend that the Erie County Water Authority ("Authority") publish a notice inviting sealed bids or proposals pursuant to Section 1069 of the Public Authorities Law for Contract No. EI-001, water system improvements in the Town of Clarence, New York; and

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

WHEREAS, The Advertisement for Bids for Contract No. EI-001, water system improvements in the Town of Clarence, New York will be conducted pursuant to the newly enacted legislation, New York State Finance Law §§ 139-j and 139-k and the Authority's Purchasing Guidelines, Policies and Procedures; and

WHEREAS, EI Team, Inc. will be the designated contact for the project with the adoption of this resolution;

NOW, THEREFORE, BE IT RESOLVED:

That the plans and specifications and form of bid be prepared for Contract No. EI-001, water system improvements in the Town of Clarence, New York and upon completion be made available for inspection by bidders in the office of the Authority; and be it further

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

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

ITEM 12 - RATIFICATION OF THE INSTALLATION OF HYDRANTS AND VALVES AND RETIREMENT OF EXISTING HYDRANTS AND VALVES - VARIOUS LOCATIONS

Motion by Mr. Warthling seconded by Mrs. Vacco

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 valve at 5 Singer Drive, Town of West Seneca on 12/11/07. Work done by ECWA forces under Work Authorization No. 107.200 5760.

Replace existing valve at northeast corner of Mitchell Drive & Sharon Drive, City of Tonawanda with a new 6" resilient valve on 12/18/07. Work done by ECWA forces under Work Authorization No. 107.200 5761.

Old valve originally installed pre 2004 was scrapped and retired under Retirement Authorization No. R70074; and

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

NOW, THEREFORE, BE IT RESOLVED:

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

RESOLVED: That the installation of the new hydrants and valves in the abovementioned

locations, as part of the Authority's continuing program to improve its facilities is hereby approved, ratified and confirmed.

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

ITEM 13 - AUTHORIZATION TO FILE THE PUBLIC AUTHORITY REPORTING INFORMATION SYSTEM (PARIS) 2008 BUDGET AND FINANCIAL PLAN REPORT TO THE NEW YORK STATE AUTHORITY BUDGET OFFICE

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, In accordance with the Public Authority Reform Act of 2005, the Erie County Water Authority ("Authority") is required to file a Budget and Financial Plan Report which reflects the 2008 budget and pro forma budgets for 2009, 2010 and 2011; and

WHEREAS, The certification statement must be affirmatively answered confirming that the Report has been presented to and accepted by the Board before the submission of the data; and

WHEREAS, The Authority authorizes the Deputy Director as Chief Financial Officer ("CFO") to file the Report;

NOW, THEREFORE, BE IT RESOLVED:

That the Deputy Director as CFO is hereby authorized to file the Public Authority Reporting Information System 2008 Budget and Financial Plan Report to the New York State Authority Budget Office.

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

ITEM 14 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2007

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, In a resolution dated November 20, 2006 the Erie County Water Authority (the "Authority") adopted its Annual Budget for the fiscal year 2007; and

WHEREAS, From time to time, due to changes in spending priorities, availability of funds, or changes in other circumstances the Authority finds it proper to amend its Budget to

reflect such changes; and

WHEREAS, The Authority has been advised by Richard Rosenberry, Senior Distribution Engineer, that construction estimates for Contracts DA-6, DA-5B, capital budget item 100587 entitled “Bathroom Renovation” and capital budget item 100579 entitled “Renovation of Men’s Bathroom” will all exceed budgeted amounts; and

WHEREAS, In order to fund the exceeded amounts for construction work on Contracts DA-6, DA-5B, capital budget item 100587 entitled “Bathroom Renovation” and capital budget item 100579 entitled “Renovation of Men’s Bathroom”, it will be necessary to transfer \$285,000 from capital budget item 100518 entitled “ECHD Betterment – Como Park Blvd”, which will not happen this year, as follows:

<u>Unit No</u>	<u>Capital No:</u>	<u>Description</u>	<u>Increase</u>	<u>Decrease</u>
2070	100579	Renovation of Men’s Bathroom	\$ 15,000	
2590	100609	Contract DA-5B	\$150,000	
2595	100600	Contract DA-6	\$ 70,000	
3010	100587	Bathroom Renovation	<u>\$ 50,000</u>	
2590	100518	ECHD Betterment – Como Park		<u>\$285,000</u>
		Totals	\$285,000	\$285,000; and

WHEREAS, Robert A. Mendez, Executive Director, Robert J. Lichtenthal Jr., Deputy Director, and Wesley Dust, Executive Engineer, recommend approval of said amendment;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority's Annual Budget for the fiscal year 2007 be amended by transferring \$285,000 from unused, and not expected to be used, funds from capital budget item 100518 entitled “ECHD Betterment – Como Park”, to various items in the capital budget for 2007, as listed above.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 15 - EARL MCDONALD, JR., CONTROL OPERATOR – MILITARY LEAVE OF ABSENCE

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Earl McDonald, Jr., Control Operator has been ordered from the Department of the Air Force to serve Military Service for the period of January 6, 2008 to June 12, 2008; and

WHEREAS, Policy No. 61.0 (Leave of Absence-Leave for Military Service) of the Erie County Water Authority's Human Resources Policies/Procedures Manual states the following:

"The Authority shall grant a leave of absence with pay pursuant to the provisions of the Military Law of the State of New York and the Uniform Service Employment and Reemployment Act (USERRA) of 1994. The employee shall make written application to the Authority in advance of such leave.

The Authority will pay full salary for 30 days or 22 working days per each calendar year whichever is greater. If the employee is ordered to serve for a period beyond 30 days or 22 working days, whichever is greater, the Authority will pay the difference between the employee's daily military rate and the employee's daily salary rate until such time as the employee returns from active duty or a period of six months has elapsed, whichever comes first."; and

WHEREAS, Based on the above, the Authority is obligated to pay full salary to Earl McDonald, Jr. for the period of January 6, 2008 to February 4, 2008 and to pay the difference between to Earl McDonald's daily military rate and daily salary rate from February 5, 2008 to June 12, 2008; and

WHEREAS, Karla L. Thomas, Director of Human Resources and Robert Mendez, Executive Director recommend payment as noted above;

WHEREAS, Earl McDonald, Jr. has submitted a leave of absence without pay form for the period of January 6, 2008 to June 12, 2008 which was approved by the Authority's Executive Director and Deputy Director;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority hereby authorizes the Military Leave for Earl McDonald, Jr., Control Operator for the period January 6, 2008 through June 12, 2008; and be it further

RESOLVED: That the Authority pay full salary to Earl McDonald, Jr., Control Operator for the period of January 6, 2008 to February 4, 2008 and to pay the difference between Earl McDonald's daily military rate and daily salary rate from February 5, 2008 to June 12, 2008 pursuant to the provisions of the Military Law of the State of New York and the Uniform Services Employment and Reemployment Act (USERRA) of 1994.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 16 - DANIEL SNYDER, CONTROL OPERATOR CREW CHIEF – MILITARY LEAVE OF ABSENCE

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Daniel Snyder, Control Operator Crew Chief has been ordered from the Department of the Air Force to serve Military Service for the period of January 4, 2008 to June 12, 2008; and

WHEREAS, Policy No. 61.0 (Leave of Absence-Leave for Military Service) of the Erie County Water Authority's Human Resources Policies/Procedures Manual states the following:

"The Authority shall grant a leave of absence with pay pursuant to the provisions of the Military Law of the State of New York and the Uniform Service Employment and Reemployment Act (USERRA) of 1994. The employee shall make written application to the Authority in advance of such leave.

The Authority will pay full salary for 30 days or 22 working days per each calendar year whichever is greater. If the employee is ordered to serve for a period beyond 30 days or 22 working days, whichever is greater, the Authority will pay the difference between the employee's daily military rate and the employee's daily salary rate until such time as the employee returns from active duty or a period of six months has elapsed, whichever comes first."; and

WHEREAS, Based on the above, the Authority is obligated to pay full salary to Daniel Snyder for the period of January 4, 2008 to February 6, 2008 and to pay the difference between to Daniel Snyder's daily military rate and daily salary rate from February 7, 2008 to June 12, 2008; and

WHEREAS, Karla L. Thomas, Director of Human Resources and Robert Mendez, Executive Director recommend payment as noted above;

WHEREAS, Daniel Snyder has submitted a leave of absence without pay form for the period of January 4, 2008 to June 12, 2008 which was approved by the Authority's Executive Director and Deputy Director;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority hereby authorizes the Military Leave for Daniel Snyder, Control Operator Crew Chief for the period January 4, 2008 through June 12, 2008; and be it further

RESOLVED: That the Authority pay full salary to Daniel Snyder, Control Operator Crew Chief for the period of January 4, 2008 to February 6, 2008 and to pay the difference between Daniel Snyder's daily military rate and daily salary rate from February 7, 2008 to June 12, 2008 pursuant to the provisions of the Military Law of the State of New York and the Uniform Services Employment and Reemployment Act (USERRA) of 1994.

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

ITEM 17 - GEORGE HILLOCK - LEAVE OF ABSENCE

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to grant George Hillock a leave of absence from his permanent position of Control Operator during his temporary appointment as Control Operator Crew Chief.

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

ITEM 18 - AUTHORIZATION TO ADOPT ITEM NO. 15.0 – GOALS AND OBJECTIVES TO THE ERIE COUNTY WATER AUTHORITY'S HUMAN RESOURCES POLICIES/PROCEDURES MANUAL

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore and on the 18th day of May, 1995, by Resolution Item No. 25, the Erie County Water Authority ("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, Matthew J. Baudo, Secretary to the Authority advises that it is in the best interest of the Authority to adopt Policy No. 15.0 – Goals and Objectives of said Manual to read as follows:

PURPOSE

To ensure that the ECWA is achieving goals and objectives related to both daily operations and organizational strategy. It is also designed to establish accountability for the accomplishment of the individual goals and objectives.

POLICY

It is the policy of the Authority that all Departments establish goals and objectives on an annual basis. Further, it is the policy of the Authority that each goal and objective meeting the following criteria:

- Specific
- Measurable
- Achievable, with stretch
- Relevant to operations or strategy
- Time Target

PROCEDURES

1. All Department Heads shall submit their goals and objectives to the Executive Engineer and Executive Director each year for review and discussion.
2. The Executive Engineer shall compile the goals and objectives Authority wide into a single report and submit this report to the Board of Commissioners no later than the second board meeting of each year for the Boards approval. All department heads shall appear before the Board of Commissioners, for the

purpose of reviewing their previous year's goals and objectives and their new goals and objectives for the upcoming year, at this Board Meeting.

3. All Department Heads shall submit a six-month report to the Executive Engineer and Executive Director for review by the Board of Commissioners.
4. All Department Heads shall submit a twelve-month report to the Executive Engineer and Executive Director for review by the Board of Commissioners; and

WHEREAS, Matthew J. Baudo, Secretary to the Authority recommends adopting Policy No. 15.0 – Goals and Objectives of the Authority's Human Resources Policies/Procedures Manual; and

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

NOW, THEREFORE, BE IT RESOLVED:

That the Authority adopt Policy No. 15.0 – Goals and Objectives of the Authority's Human Resources Policies/Procedures Manual as noted above.

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

ITEM 19 - AUTHORIZATION TO AMEND ITEM NO. 9.0 (USE OF AUTHORITY VEHICLES) TO THE ERIE COUNTY WATER AUTHORITY'S HUMAN RESOURCES POLICIES/PROCEDURES MANUAL

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore and on the 18th day of May, 1995, by Resolution Item No. 25, the Erie County Water Authority ("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, Matthew J. Baudo, Secretary to the Authority advises that it is in the best interest of the Authority to amend Policy No. 9.0 (Use of Authority Vehicles) of said Manual to read as follows:

PURPOSE

To ensure that the policies of the Authority and the responsibilities of the individual with respect to vehicle usage are clearly communicated.

POLICY

It is the policy of the Authority to provide personal use vehicles to individuals who incur extensive business mileage or are routinely required to respond to emergencies on a 24 hour basis.

In addition, a number of vehicles are assigned to personnel for the convenience of the Authority. These individuals are required to commute in the assigned vehicle, as they do not routinely report to one location for work or are required to respond to emergencies when called. The vehicles contain equipment necessary to respond to an emergency, or to perform their daily work assignment. Employees are not authorized to use these vehicles for any other personal travel.

All personal use of vehicles, including commuting, is included in taxable income as required by Internal Revenue Service regulations.

Individuals authorized to use Authority vehicles must have a valid NYS drivers license or, if required, a valid NYS commercial driver's license.

PROCEDURES

1. The following individuals have been issued Authority vehicles on a 24-hour basis and are hereby authorized to use the vehicle for personal travel. This personal travel shall be limited to Erie County and a 100 mile radius from the Authority's service district.

Executive Director
 Executive Engineer
 Distribution Engineer - Unit Head for Line Maintenance
 Sr. Production Engineer - Production Department Head
 Sr. Distribution Engineer - Engineering/Construction Department Head
 Production Engineer - Control Unit Head
 Chemist & Chief Water Treatment Plant Operator

2. The Internal Revenue Service requires that individuals allowed to use an Authority owned vehicle for personal travel keep a mileage log and provide information to the employer annually. In accordance with this regulation, a statement containing the total mileage incurred for the year and the percentage attributed to personal use must be submitted to the Comptroller during December of each year.
3. The taxable fringe benefit for personal use determination is based on the Internal Revenue Service lease valuation method using the percentage indicated in the employee's statement.
4. The following individuals have been issued Authority vehicles for business use only and are hereby authorized to use the vehicle to commute to and from work at an Erie County Water Authority worksite:

Production Engineer - Maintenance Unit Head
Control Operator Crew Chief
Director of Drinking Water Quality
5. The taxable fringe benefit will be charged at the current IRS published rate for each 1 way commute, and will be calculated for each day the employee worked during the year.
6. The calculated fringe benefit, as outlined in number 3 and 5 above, is included in box 10, "Wages, tips and other compensation" and reported separately in box 23, "Benefits included in box 10" on the employees' W2 form.
7. As required by Internal Revenue Service regulations, FICA tax is withheld from the last pay period in December. State and Federal taxes are the responsibility of the individual; no income taxes are withheld.
8. If an employee with a 24-hour personal use vehicle chooses, or if they fail to provide the required statement, 100% of the value of the calculated fringe benefit will be reported on their W2 and the appropriate FICA taxes will be withheld on that amount.
9. All Authority passenger vehicles, with the exception of vehicles assigned on a 24-hour personal use basis, must display Erie County Water Authority decals on both left and right front doors; and

WHEREAS, Matthew J. Baudo, Secretary to the Authority recommends amending Policy No. 9.0 (Use of Authority Vehicles) of the Authority's Human Resources Policies/Procedures Manual; and

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

NOW, THEREFORE, BE IT RESOLVED:

That the Authority amend Policy No. 9.0 (Use of Authority Vehicles) of the Authority's Human Resources Policies/Procedures Manual as noted above.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 20 - PURCHASE ORDERS:

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve for payment of Purchase Order Nos. as listed on the attached sheets pages 18-29 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 21 - PURCHASE ORDER AMENDMENTS:

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve for payment of Purchase Order Amendments as listed on the attached sheet pages 30 and 31 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 22 - SERVICE CONNECTION WORK ORDER LIST:

Motion by FIELD Mr. Warthling seconded by Mrs. Vacco and carried to approve Service Connection Work Order Nos. 07-53 and 08-01, to C. Destro Development Co., Inc. for Service Area No. 1 under Contract No. 07-04-01 and to C. Destro Development Co., Inc. for Service Area No. 2 under Contract No. 07-05-01 and large services under Contract No. 07-03-01 to Kandey Company, Inc.

VIII. - ADJOURNMENT

Meeting adjourned until the next regular meeting to be held on Thursday, January 24, 2008 at 10:00 a.m.

Matthew J. Baudo
Secretary to the Authority

SLZ