

**MINUTES** of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 350 Ellicott Square Building, Buffalo, New York, on the 24th day of January, 2008.

**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**  
**Wesley C. Dust, Executive Engineer**  
**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**

**ATTENDEES:** **Joseph Matteliano**

**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, January 10, 2008.

**III. - APPROVAL OF MINUTES**

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve the Minutes of the Meeting held on Thursday, January 10, 2008.

**IV. - REPORTS (See "Report" Minutes for Details)**

- A) SECRETARY/PERSONNEL**
- B) LEGAL**
- C) FISCAL**
- D) OPERATIONS**
- E) HUMAN RESOURCES**
- F) AUDIT COMMITTEE**

**G) GOVERNANCE COMMITTEE**

**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 \$235,356.00 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 1-10 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**

Timothy Krantz Request

Engineering staff reviewed the request and a letter will be sent to Mr. Krantz.

**VII. - NEW BUSINESS (RESOLUTIONS 3-21)**

**ITEM 3 - PAYMENT OF INVOICE OF CITIGROUP FOR SERVICES RENDERED IN CONNECTION WITH THE ISSUANCE OF ERIE COUNTY WATER AUTHORITY, WEEKLY ADJUSTABLE/FIXED RATE WATER WORKS SYSTEM REVENUE BONDS, SERIES 1993A AND WEEKLY ADJUSTABLE/FIXED RATE WATER WORKS SYSTEM REVENUE BONDS, SERIES 1993B - \$13,390.41**

Motion by Mr. Warthling seconded by Mrs. Vacco

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

**WHEREAS**, CitiGroup has submitted their invoice in the total amount of \$13,390.41, dated January 2, 2008 for services performed for the period of October 1, 2007 to December 31, 2007; and

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

**NOW, THEREFORE, BE IT RESOLVED:**

That the abovementioned invoice of CitiGroup in the amount of \$13,390.41 for services rendered in connection with the Erie County Water Authority Weekly Adjustable/Fixed Rate Water Works System Revenue Bonds, Series 1993A and Series 1993B be referred to the Comptroller for his verification and if found to be in order that said invoice be approved and the Treasurer, or in his absence the Assistant Treasurer, be and hereby is authorized to pay the same.

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

**ITEM 4 - FINAL ACCEPTANCE OF PROJECT WITH JOS. A. SANDERS & SONS, INC. FOR ROOF REPLACEMENTS, SERVICE CENTER - SOUTH GARAGE, PROJECT NO. 200700024, CONTRACT NO. 07-27-05 - \$8,298.98**

Motion by Mr. Warthling seconded by Mrs. Vacco

**WHEREAS**, Heretofore and on the 2nd day of May, 2007, the Erie County Water Authority ("Authority") entered into a contract with Jos. A. Sanders & Sons, Inc. for roof replacements, Service Center – South Garage, identified as Contract No. 07-27-05; and

**WHEREAS**, Jos. A. Sanders & Sons, Inc. has submitted a final invoice in the amount of \$8,298.98; 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: Three; Commrs. Swiatek, Vacco and Warthling  
Noes: None

**ITEM 5 - FINAL ACCEPTANCE OF PROJECT WITH OCCHINO CORP. FOR CONTRACT NO. WE-3B, 2007 RENOVATION AND IMPROVEMENT PROJECTS, SERVICE CENTER, LEYDECKER ROAD PUMP STATION, STURGEON POINT TREATMENT PLAN, PROJECT NO. 200700126, CONTRACT NO. 07-38-08 - \$7,236.04**

Motion by Mr. Warthling seconded by Mrs. Vacco

**WHEREAS**, Heretofore and on the 24th day of August, 2007, the Erie County Water Authority (the "Authority") entered into a contract with Occhino Corp. for Contract No. WE-3B, 2007 Renovation and Improvement Projects, Service Center, Leydecker Road Pump Station, Sturgeon Point Treatment Plan, identified as Contract No. 07-38-08; and

**WHEREAS**, Occhino Corp. has submitted a final invoice dated December 11, 2007 in the amount of \$7,236.04; 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 6 - AUTHORIZATION TO SOLICIT REQUEST FOR PROPOSALS FOR REVIEW OF THE ERIE COUNTY WATER AUTHORITY'S 2008 BUDGET**

Motion by Mr. Warthling seconded by Mrs. Vacco

**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 consulting engineers for the review of the Authority's 2008 Annual Budget (both Operating and Capital Budgets); 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 the review of the Authority's 2008 Annual Budget (both Operating and Capital Budgets) 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**, Steven V. D'Amico, Budget and Financial Analyst, 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 consulting engineers for the review of the Authority's 2008 Annual Budget (both Operating and Capital Budgets).

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

**ITEM 7 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH NUSSBAUMER & CLARKE, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES FOR THE INSTALLATION OF PERMANENT STANDBY POWER AT VAN DE WATER TREATMENT PLANT, BALL PUMP STATION AND WINDOM PUMP STATION, IDENTIFIED AS CONTRACT NO. NC-32, PROJECT NO. 200800010**

Motion by Mr. Warthling seconded by Mrs. Vacco

**WHEREAS**, The Erie County Water Authority's ("Authority") Board of Commissioners authorized the issuance of a Request for Proposals ("RFP") to qualified firms to provide consulting engineering services for the installation of permanent standby power at Van de Water Treatment Plant, Ball Pump Station and Windom Pump Station on August 16, 2007; and

**WHEREAS**, A copy of the RFP was sent to:

Nussbaumer & Clarke, Inc.  
Wendel-Duchscherer  
Malcolm Pirnie  
URS  
Stearns & Wheler  
O'Brien & Gere; and

**WHEREAS**, The respondents to the RFP were: Nussbaumer & Clarke, Inc., Wendel-Duchscherer, Malcolm Pirnie, URS and Stearns & Wheler; and

**WHEREAS**, The RFP process was conducted pursuant to the enacted state legislation (New York State Finance Law §§139-j and 139-k) and the Authority's Purchasing Guidelines, Policies and Procedures; and

**WHEREAS**, Upon evaluating the response to the RFP, the Authority deems it advisable to have Nussbaumer & Clarke, Inc. render professional consulting engineering services for the installation of permanent standby power at Van de Water Treatment Plant, Ball Pump Station and Windom Pump Station; and

**WHEREAS**, Wesley C. Dust, Executive Engineer and Robert A. Mendez, Executive Director recommend that the Authority enter into an agreement with Nussbaumer & Clarke, Inc. for a lump sum payment of \$417,820 for all services to be performed except for Resident Inspection which shall be paid on a cost plus fixed fee basis;

**NOW, THEREFORE, BE IT RESOLVED:**

That the Authority accepts the proposal of Nussbaumer & Clarke, Inc. to professional consulting engineering services for the installation of permanent standby power at Van de Water Treatment Plant, Ball Pump Station and Windom Pump Station, identified as Contract No. NC-32; 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 agreement, the Restricted Period will cease; 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 Nussbaumer & Clarke, Inc.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

**ITEM 8 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF WESTCHESTER, NEW YORK FOR THE ERIE COUNTY WATER AUTHORITY TO PROVIDE WATER SAMPLING TESTING FOR CRYPTOSPORIDIUM ANALYSIS**

Motion by Mr. Warthling seconded by Mrs. Vacco

**WHEREAS**, The Erie County Water Authority (“Authority”) has unique capabilities in its Water Quality laboratory such as analyzing cryptosporidium; and

**WHEREAS**, Because of these unique capabilities, the County of Westchester (“County”), New York desires to hire the Authority to provide monthly Cryptosporidium analysis to the County for twenty-four months in accordance with the Long Term Enhanced Surface Water Treatment Rule (Stage 2) promulgated by the U.S. Environmental Protection Agency; and

**WHEREAS**, The County agrees to pay the Authority for the abovementioned services an amount not to exceed \$13,240.00; and

**WHEREAS**, Paul J. Whittam, Director of Water Quality, Wesley C. Dust, Executive Engineer and Robert A. Mendez, Executive Director recommends acceptance of said agreement;

**NOW, THEREFORE, BE IT RESOLVED:**

That the Authority agrees to provide monthly Cryptosporidium analysis to the County for twenty-four months in accordance with the Long Term Enhanced Surface Water Treatment Rule (Stage 2) promulgated by the U.S. Environmental Protection under the terms and conditions set forth in said agreement; and be it further

**RESOLVED:** That the Authority enters into an Agreement with the County of Westchester, New York for such analysis; 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 the County.

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

**ITEM 9 - AUTHORIZATION TO OPEN A MONEY MARKET ACCOUNT AT M&T BANK FOR CUSTOMER DEPOSIT FUNDS**

Motion by Mr. Warthling seconded by Mrs. Vacco

**WHEREAS**, The Erie County Water Authority (the "Authority") desires to open a Money Market Account at M&T Bank for customer deposit funds; and

**WHEREAS**, The following Authority employees are authorized to sign any checks necessary on behalf of the Authority for said account:

Francis G. Warthling, Treasurer  
Robert A. Mendez, Executive Director  
Matthew J. Baudo, Secretary to the Authority  
Mark J. Fuzak, Associate Counsel; and

**WHEREAS**, Robert J. Lichtenthal, Jr., Deputy Director and Robert A. Mendez, Executive Director recommend the Authority open a Money Market Account at M&T Bank for customer deposit funds;

**NOW, THEREFORE, BE IT RESOLVED:**

That the Authority is hereby authorized to open a Money Market Account at M&T Bank; and be it further

**RESOLVED:** That the individuals specified above are hereby authorized to sign any checks necessary on behalf of the Authority for said account.

Three; Commrs. Swiatek, Vacco and Warthling  
None



**ITEM 10 - AWARD OF CONTRACT TO HAUSRATH'S LANDSCAPE MAINTENANCE, INC. 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 - \$600,960.00**

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 5th day of December, 2007, and in Business First on the 7th day of December, 2007, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law 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; and

**WHEREAS**, A sealed bid or proposal was opened in the office of the Authority on the 18th day of December, 2007, at 11:00 a.m., local time, and was as follows:

<b>BIDDER</b>	<b>AMOUNT</b>
Hausrath's Landscape Maintenance, Inc.*	\$600,960.00

\* Only bid received; and

**WHEREAS**, The bid bond has been approved by Anthony Alessi, Claims Representative/Risk Manager; and

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

**WHEREAS**, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director have reviewed the specification and bid and determined that Hausrath's Landscape Maintenance, Inc. 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 Hausrath's Landscape Maintenance, Inc. 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 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 in the total amount of \$600,960.00; and be it further

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

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

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

**ITEM 11 - AWARD OF CONTRACT TO ANTHRAFILTER, US, INC. FOR FILTER MEDIA REPLACEMENT AT THE VAN DE WATER WATER TREATMENT PLANT, PROJECT NO. 200700568 - \$897,372.49**

Motion by Mr. Warthling seconded by Mrs. Vacco

**WHEREAS,** The Erie County Water Authority (the "Authority") heretofore advertised in the Dodge Reports and Front Page on the 10th day of October, 2007, and in Business First on the 12th day of October, 2007, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for the filter media replacement at the Van de Water Water Treatment Plant; and

**WHEREAS,** A sealed bid or proposal was opened in the office of the Authority on the 23<sup>rd</sup> day of October, 2007, at 11:00 a.m., local time, and was as follows:

<b>BIDDER</b>	<b>AMOUNT</b>
Anthrafilter, US, Inc.*	\$897,372.49

\* Only bid received; and

**WHEREAS,** The Official Check has been approved by Anthony Alessi, Claims

Representative/Risk Manager; and

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

**WHEREAS**, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director have reviewed the specification and bid and determined that Anthrafilter, US, Inc. 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 that Anthrafilter, US, Inc. 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 filter media replacement at the Van de Water Water Treatment Plant in the total amount of \$897,372.49; and be it further

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

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

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

**ITEM 12 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE FURNISHING AND DELIVERING OF POTASSIUM PERMANGANATE TO THE ERIE COUNTY WATER AUTHORITY FOR USE IN THE TREATMENT OF WATER FOR TWO YEARS FROM MARCH 1, 2008 THROUGH FEBRUARY 28, 2010, PROJECT NO. 200800007**

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 the furnishing and delivering of potassium permanganate to the Erie County Water Authority for use in the treatment of water for two years from March 1, 2008 through February 28, 2010; and

**WHEREAS**, The work, labor and services for the abovementioned project is estimated to cost an amount in excess of \$10,000.00; and

**WHEREAS**, The Advertisement for Bids for the furnishing and delivering of potassium permanganate to the Erie County Water Authority for use in the treatment of water for two years from March 1, 2008 through February 28, 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**, John Mogavero, Chemist & Chief Water Treatment Plant Operator 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 furnishing and delivering of potassium permanganate to the Erie County Water Authority for use in the treatment of water for two years from March 1, 2008 through February 28, 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: Three; Commrs. Swiatek, Vacco and Warthling  
Noes: None

**ITEM 13 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR AREA NO. 1 RESTORATION, APRIL 1, 2008 THROUGH MARCH 31, 2010, PROJECT NO. 200800016**

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 Area No. 1 Restoration, April 1, 2008 through March 31, 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 Area No. 1 Restoration, April 1, 2008 through March 31, 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**, James K. Ehrin, Distribution 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 Area No. 1 Restoration, April 1, 2008 through March 31, 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: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

**ITEM 14 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR AREA NO. 2 RESTORATION, APRIL 1, 2008 THROUGH MARCH 31, 2010, PROJECT NO. 200800017**

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 Area No. 2 Restoration, April 1, 2008 through March 31, 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 Area No. 2 Restoration, April 1, 2008 through March 31, 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**, James K. Ehrin, Distribution 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 Area No. 2 Restoration, April 1, 2008 through March 31, 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: Three; Commrs. Swiatek, Vacco and Warthling  
Noes: None

**ITEM 15 - APPROVAL OF CHANGE ORDER NO. 1 OF NEPTUNE TECHNOLOGY GROUP, INC. FOR THE FURNISHING AND DELIVERING OF WATER METERS FROM AUGUST 1, 2007 TO JULY 31, 2009, PROJECT NO. 200700422, CONTRACT NO. 07-39-09 - \$459,345.00**

Motion by Mr. Warthling seconded by Mrs. Vacco

**WHEREAS**, Heretofore and on the 7th day of September, 2007, the Erie County Water Authority ("Authority") entered into a contract with Neptune Technology Group, Inc. for the furnishing and delivering of water meters from August 1, 2007 to July 31, 2009, identified as Contract No. 07-39-09; and

**WHEREAS**, Said contractor has submitted Change Order No. 1 in the sum of \$459,345.00 to modify the existing Bid Proposal to include new Unit Price Pay Items; and

**WHEREAS**, The reason for said change is that the existing Contract Documents provide for the Contractor to furnish and deliver water meters and the Authority has adopted a policy to install radio read meters in all locations; and

**WHEREAS**, 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 Neptune Technology Group, Inc. in the amount of \$459,345.00 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: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

**ITEM 16 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL O & M BUDGET FOR FISCAL YEAR 2008**

Motion by Mr. Warthling seconded by Mrs. Vacco

**WHEREAS**, In a resolution dated November 30, 2007 the Erie County Water Authority (the "Authority") adopted its Annual Budget for the fiscal year 2008; 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's 2008 Budget contains a new position of Diesel Mechanic & an additional position of Pump Mechanic. The annual wage for these positions was estimated to be, at budget preparation time, \$45,115. There is also one occupied position of Pump Mechanic; and

**WHEREAS**, After conducting interviews, and a review of the job duties of Diesel Mechanic and Pump Mechanic, it was determined that the proper placement of these positions should be in Grade 7A of the Blue-Collar Hourly Pay Grades contained in the current Collective Bargaining Agreement between the Authority and AFSCME Local 930, which position has a starting wage of \$48,485; and

**WHEREAS**, The Authority desires to amend the 2008 Annual Budget by the placement of the positions of Diesel Mechanic and Pump Mechanic into Blue-Collar Hourly Pay Grade 7A, as described above, and by increasing the starting wage of said position, accordingly, from \$45,115 per annum, to \$48,485 per annum, resulting in amending the O&M budget as follows:

<u>Unit No</u>	<u>Internal No:</u>	<u>Description</u>	<u>Increase</u>	<u>Decrease</u>
1035	02	Labor	\$ 7,955	
1035	08	Fringe Benefits	\$ <u>3,776</u>	
7510	20	General Expense - Misc.		<u>\$11,731</u>
		Totals	\$11,731	\$11,731; and

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



**NOW, THEREFORE, BE IT RESOLVED:**

That the Authority's Annual Budget for the fiscal year 2008 be amended by the placement of the positions of Diesel Mechanic and Pump Mechanic into Blue-Collar Hourly Pay Grade 7A, as described above, and by increasing the starting wage of said position, accordingly, from \$45,115 per annum, to \$48,485 per annum.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

**ITEM 17- AUTHORIZATION TO ADOPT GASB STATEMENT NO.45, ACCOUNTING AND FINANCIAL REPORTING FOR POST EMPLOYMENT BENEFITS OTHER THAN PENSIONS, FOR ITS FISCAL YEAR ENDING DECEMBER 31, 2007**

Motion by Mr. Warthling seconded by Mrs. Vacco

**WHEREAS**, The Government Accounting Standards Board (GASB) is the accepted standard-setting body for establishing government accounting and financial reporting principles; and

**WHEREAS**, In 2004 GASB issued Statement No. 45, *Accounting and Financial Reporting for Post Employment Benefits Other Than Pensions*; and

**WHEREAS**, Based upon the Erie County Water Authority's ("Authority") level of revenues, adoption of GASB Statement No. 45 is required beginning in years starting after December 15, 2007; and

**WHEREAS**, The Authority has retained an actuarial firm to perform a valuation of the Authority's post retirement benefits; and

**WHEREAS**, The Authority has the option to elect to adopt GASB Statement No.45 for a fiscal year prior to the required year of adoption; and,

**WHEREAS**, The Audit Committee of the Board of Commissioners finds that since the Authority is aware of it's obligations as determined by the actuarial valuation, that it is prudent to early adopt GASB Statement No.45; and

**WHEREAS**, The Audit Committee of the Board of Commissioners has reported on it's findings from the committee meeting of January 10, 2008 to discuss this and other issues impacting the Authority;

**NOW, THEREFORE BE IT RESOLVED:**

The Erie County Water Authority elects to adopt GASB Statement No.45, *Accounting and Financial Reporting for Post Employment Benefits Other Than Pensions*, for its fiscal year ending December 31, 2007 and hereby directs that the appropriate entries be made on the Authority's financial records.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

**ITEM 18- AUTHORIZATION TO TABLE THE RESTRICTION OF CASH FOR CAPITAL PURPOSES**

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to table the authorization to restrict cash for capital improvement purposes necessary to meet the needs of the current and future capital needs of the Authority.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

**ITEM 19 - 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 11-18 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 20 - 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 page 19 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 - SERVICE CONNECTION WORK ORDER LIST:**

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve Service Connection Work Order Nos. 08-02 and 08-03, 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, February 7, 2008 at 10:00 a.m.

Matthew J. Baudo  
Secretary to the Authority

PF