

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 350 Ellicott Square Building, Buffalo, New York, on the 19th day of February, 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, Jr., Deputy Director
Wesley C. Dust, Executive Engineer
Mark J. Fuzak, Attorney
Paul H. Riestler, 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: **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, February 7, 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, February 7, 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 - 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 1-19 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.

VI. - UNFINISHED BUSINESS (NONE)

VII. - NEW BUSINESS (RESOLUTIONS 2-12)

ITEM 2 - AUTHORIZATION TO ENTER INTO A NEW YORK MUTUAL AID AND ASSISTANCE AGREEMENT FOR WATER/WASTEWATER PROVIDERS

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Recognizing that incidents which may impact health or safety may require aid or assistance in the form of personnel, equipment and supplies from outside the area of impact, the signatory utilities have established an Intrastate Program for Mutual Aide and Assistance; and

WHEREAS, Through the Mutual Aid and Assistance Program members coordinate response activities and share resources during incidents; and

WHEREAS, Wesley C. Dust, Executive Engineer advises that it is in the best interest of the Erie County Water Authority to execute an agreement setting forth the procedures and standards for the administration of the Intrastate Mutual Aid and Assistance Program; and

WHEREAS, The major water authorities in New York State are signatures of this agreement; and

WHEREAS, Wesley C. Dust, Executive Engineer also advises that this agreement is

necessary for reimbursement through the Federal Emergency Management Agency (FEMA); and

WHEREAS, Wesley C. Dust, Executive Engineer and Robert A. Mendez, Executive Director recommend execution of the New York Mutual Aid and Assistance Agreement for Water/Wastewater Providers;

NOW, THEREFORE, BE IT 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 Mohawk County Water Authority.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 3 - AWARD OF CONTRACT TO C. DESTRO DEVELOPMENT CO., INC. FOR CONTRACT NO. T-21-A, WATER SYSTEM IMPROVEMENTS, PROJECT NO. 200700319 - \$1,223,485.00

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 2nd day of January, 2008, and in Business First on the 4th day of January, 2008, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for Contract No. T-21-A, water system improvements; and

WHEREAS, Sealed bids or proposals were opened in the office of the Authority on the 22nd day of January, 2008, at 11:00 a.m., local time, and were as follows:

BIDDERS	AMOUNT
C. Destro Development Co., Inc.	\$1,223,485.00
E&R General Construction, Inc.	1,295,878.50
Visone Construction, Inc.	1,365,845.00
Western New York Contractors	1,452,730.00
Triple R Development of WNY, Inc.	1,462,917.10
Fairway Contracting Sicar Management &	1,626,993.02*

Construction, Inc.	1,637,996.00*
Kandey Company, Inc.	1,684,229.00

*Corrected Figure; 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, C. Destro Development Co., 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, TVGA Consultants, Consulting Engineers, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director have reviewed the specifications and bids and determined that C. Destro Development Co., 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 C. Destro Development Co., 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. T-21-A, water system improvements in the total amount of \$1,223,485.00; 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 4 - AWARD OF CONTRACT TO MODERN DISPOSAL SERVICES, INC. FOR THE FURNISHING OF NECESSARY LABOR AND MATERIALS FOR THE

PICKUP, HAULING, AND DISPOSAL OF ALUM SLUDGE, ZEBRA MUSSELS, TIRES AND OTHER CONSTRUCTION MATERIALS LOCATED AT DIFFERENT PROPERTIES BELONGING TO THE ERIE COUNTY WATER AUTHORITY FROM FEBRUARY 29, 2008 THROUGH FEBRUARY 28, 2010, PROJECT NO. 200800002 - \$96,864.08

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 26th day of December, 2007, and in Business First on the 28th day of December, 2007, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for the furnishing of necessary labor and materials for the pickup, hauling, and disposal of alum sludge, zebra mussels, tires and other construction materials located at different properties belonging to the Erie County Water Authority from February 29, 2008 through February 28, 2010; and

WHEREAS, Sealed bids or proposals were opened in the office of the Authority on the 15th day of January, 2008, at 11:15 a.m., local time, and were as follows:

BIDDERS	AMOUNT
Modern Disposal Services, Inc.	\$ 96,864.08
Waste Management of NY, LLC	110,516.00; and

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

WHEREAS, Inasmuch as said contract is under the limit of \$100,000 and complies with the Authority's Affirmative Action Policy, Tamekia Hall, Director of Equal Employment Opportunity, recommends that Modern Disposal Services, Inc. proceed with their contract; and

WHEREAS, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director have reviewed the specifications and bids and determined that Modern Disposal Services, 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 Modern Disposal Services, 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 the furnishing of necessary labor and materials for the pickup, hauling, and disposal of alum sludge, zebra mussels, tires and other construction materials located at different properties belonging to the Erie County Water Authority from February 29, 2008 through February 28, 2010 in the total amount of \$96,864.08; 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 5 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR 2007 ANNUAL WATER QUALITY REPORT (AWQR), PROJECT NO. 200800055

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 2007 Annual Quality Report (AWQR); 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 2007 Annual Quality Report (AWQR) will be conducted pursuant to the newly enacted legislation, New York State Finance Law §§ 139-j and 139-k and the Authority's Purchasing Guidelines, Policies and Procedures; and

WHEREAS, Daniel NeMoyer, Public Affairs Officer 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 2007 Annual Quality Report (AWQR) 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 6 - APPROVAL OF MASTER PURCHASE ORDER AMENDMENT NO. 2 OF O'CONNELL ELECTRIC COMPANY FOR HIGH VOLTAGE, SERVICE, SWITCHGEAR INSPECTION AND EMERGENCY ELECTRICAL WORK WITHIN THE ERIE COUNTY WATER AUTHORITY'S FACILITIES FOR A PERIOD OF TWO YEARS FROM JUNE 1, 2004 THROUGH MAY 31, 2006, PROJECT NO. 200400003, CONTRACT NO. 04-10-05, MASTER PURCHASE ORDER NO. 5658-06 - \$40,000.00

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore and on the 6th day of April, 2004, the Erie County Water Authority (the "Authority") entered into a contract with O'Connell Electric Company for high voltage, service, switchgear inspection and emergency electrical work within the Erie County Water Authority's facilities for a period of two years from June 1, 2004 through May 31, 2006, identified as Contract No. 04-10-05 and Master Purchase Order No. 5658-06; and

WHEREAS, Robert Niederpruem, Sr. Production Engineer submitted Master Purchase Order Amendment No. 2 in the amount of \$40,000 to pay retention to the contractor; 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. 2;

NOW, THEREFORE, BE IT RESOLVED:

That Master Purchase Order Amendment No. 2 of O'Connell Electric Company 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 - 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:

Replace existing valve at 226 Iris Avenue, Town of West Seneca with a new 6" resilient valve on 2/3/008. Work done by ECWA forces under Work Authorization No. 107.200 5767.

Valve originally installed in 1957 was scrapped and retired under Retirement Authorization No. R80005.

Install new 12" valve at 99 Marion Road, Town of Amherst on 1/28/08. Work done by ECWA forces under Work Authorization No. 107.200 5766.

Replace existing hydrant at 224 Bissell Avenue, Village of Depew with a new Clow hydrant on 2/7/08. Work done by ECWA forces under Work Authorization No. 107.200 5770.

Mathew hydrant originally installed in 1960 was scrapped and retired under Retirement Authorization No. R80008.

Replace existing hydrant at 8292 Vernon Circle, Town of Clarence with a new Clow hydrant on 2/5/08. Work done by ECWA forces under Work Authorization No. 107.200 5768.

Mathew hydrant originally installed pre 1999 was scrapped and retired under Retirement Authorization No. R80006.

Replace existing valve at 102 Colton Avenue, City of Lackawanna with a new 6" resilient valve on 2/7/08. Work done by ECWA forces under Work Authorization No. 107.200

5769.

Hydrant valve originally installed was scrapped and retired under Retirement Authorization No. R80007; 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 8 - AUTHORIZATION FOR ROBERT LICHTENTHAL, DEPUTY DIRECTOR AND SUSAN RINALDO, CASH MANAGER TO ATTEND THE NEW YORK STATE GFOA ANNUAL CONFERENCE IN ALBANY, NEW YORK

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Erie County Water Authority deems it advisable for Robert Lichtenthal, Deputy Director and Susan Rinaldo, Cash Manager to attend the New York State GFOA Annual Conference in Albany, New York at a total estimated cost of \$1,700;

NOW, THEREFORE, BE IT RESOLVED:

That Robert Lichtenthal, Deputy Director and Susan Rinaldo, Cash Manager be and they are hereby authorized to travel to Albany, New York from April 1, 2008 to April 4, 2008 to attend the New York State GFOA Annual Conference at a total estimated cost of \$1,700.

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

ITEM 9 - AUTHORIZATION FOR JAY MEYERS, PRODUCTION ENGINEER AND JOHN MOGAVERO, CHEMIST & CHIEF WATER TREATMENT PLANT OPERATOR TO ATTEND THE AWWA 2008 ANNUAL CONFERENCE AND EXPOSITION IN ATLANTA, GEORGIA

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Erie County Water Authority deems it advisable for Jay Meyers, Production Engineer and John Mogavero, Chemist & Chief Water Treatment Plant Operator to attend the AWWA 2008 Annual Conference and Exposition in Atlanta, Georgia at a total estimated cost of \$5,000.00;

NOW, THEREFORE, BE IT RESOLVED:

That Jay Meyers, Production Engineer and John Mogavero, Chemist & Chief Water Treatment Plant Operator be and they are hereby authorized to travel to Atlanta, Georgia from June 7, 2008 to June 11, 2008 to attend the AWWA 2008 Annual Conference and Exposition at a total estimated cost of \$5,000.00.

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

ITEM 10 - 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 20-33 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 11 - 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 34 after certification by the Comptroller that the orders are in accordance with the quotations and that the Director of Administration be authorized to execute the above and all associated documents after certifying that they are in conformity with applicable laws and the Authority's By-Laws and Purchasing Guidelines, Policies and Procedures.

ITEM 12 - SERVICE CONNECTION WORK ORDER LIST:

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve Service Connection Work Order No. 08-06, 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, March 6, 2008 at 4:00 p.m.

Matthew J. Baudo
Secretary to the Authority

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