

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 350 Ellicott Square Building, Buffalo, New York, on the 6th day of March, 2008.

PRESENT: **Frank E. Swiatek, Chairman**
Kelly M. Vacco, Vice Chair
Francis G. Warthling, Treasurer
Robert A. Mendez, Executive Director
Robert J. Lichtenthal, Jr., Assistant Secretary to the Authority
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

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 Tuesday, February 19, 2008.

III. - APPROVAL OF MINUTES

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve the Minutes of the Meeting held on Tuesday, February 19, 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 \$335,000.00 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 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 (NONE)**VII. - NEW BUSINESS (RESOLUTIONS 3-24)**

**ITEM 3 - PAYMENT OF INVOICE OF DEPFA BANK FOR SERVICES RENDERED
IN CONNECTION WITH THE ISSUANCE OF ERIE COUNTY WATER
AUTHORITY, WEEKLY AJUSTABLE/FIXED RATE WATER WORKS
SYSTEM REVENUE BONDS, SERIES 1993A AND WEEKLY
ADJUSTABLE/FIXED RATE WATER WORKS SYSTEM REVENUE
BONDS, SERIES 1993B - \$28,492.78**

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 \$27,500,000 Adjustable/Fixed Rate Water Works System Revenue Bonds, Series 1993A and \$15,000,000 Weekly Adjustable/Fixed Rate Water Works System Revenue Bonds, Series 1993B; and

WHEREAS, Depfa Bank has submitted an invoice dated February 27, 2008 in the total amount of \$28,492.78 for services performed during the period December 1, 2007 through February 29, 2008 in connection with said bond issuance; and

WHEREAS, Said invoice has been approved for payment by Robert J. Lichtenthal, Jr., Deputy Director;

NOW, THEREFORE, BE IT RESOLVED:

That the abovementioned invoice of Depfa Bank in the amount of \$28,492.78 for professional services rendered during the period December 1, 2007 through February 29, 2008 in connection with the Erie County Water Authority 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/her absence the Assistant Treasurer, be and hereby is authorized to pay same.

Ayes: Three; Commrs. Swiatek, Vacco 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 - \$33,333.33

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Susan Rinaldo, Cash Manager, advised under date of February 26, 2008 that there was available on February 29, 2008 the following amounts in the Debt Service Fund Fourth Resolution Refunding Water Revenue Bonds, Series 1992:

Accreted Value	\$33,333.33
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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

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 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: Three; Commrs. Swiatek, Vacco 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 Mrs. Vacco

WHEREAS, Susan Rinaldo, Cash Manager, advised under the date of February 26, 2008 that there was available on February 25, 2008 the following amounts in the Debt Service Fund Water Works System Revenue Bonds, Series 1993A:

Secondary Interest Account	\$80,801.91
Payment Account	\$39,281.42

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 \$80,801.91 and Payment Account in the amount of \$39,281.42 in the Guaranteed Investment Contract to mature in time for the June 1, 2008 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 \$80,801.91 and Payment Account in the amount of \$39,281.42 in the Guaranteed Investment Contract to mature in time for the June 1, 2008 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: Three; Commrs. Swiatek, Vacco 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 Mrs. Vacco

WHEREAS, Susan Rinaldo, Cash Manager, advised under the date of February 26, 2008 that there was available on February 25, 2008 the following amounts in the Debt Service Fund Water Works System Revenue Bonds, Series, 1993B:

Secondary Interest Account	\$44,073.77
Payment Account	\$29,551.23

and has recommended that the Manufacturers & Traders Trust Company, as Fiscal Agent, be authorized to invest the Secondary Interest Account in the amount of \$44,073.77 and Payment Account in the amount of \$29,551.23 in the Guaranteed Investment Contract to mature in time for the June 1, 2008 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 \$44,073.77 and Payment Account in the amount of \$29,551.23 in the Guaranteed Investment Contract to mature in time for the June 1, 2008 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: Three; Commrs. Swiatek, Vacco 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 - \$50,270.84

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Susan Rinaldo, Cash Manager advised under date of February 26, 2008 that there was available on February 29, 2008 the following amounts in the Debt Service Fund Water Works System Revenue Refunding Bonds, Series 1998A:

Principal Account \$31,666.67

Interest Account \$18,604.17

and has recommended that the Manufacturers & Traders Trust Company, as Fiscal Agent, be authorized to invest from the Interest Account, in the amount of \$18,604.17 to mature in time for the June 15, 2008 Interest Payment at the highest yield to maturity to 1998B Bondholders and invest from the Principal Account in the amount of \$31,666.67 to mature in time for the December 15, 2008 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 \$18,604.17 to mature in time for the June 15, 2008 Interest Payment at the highest yield to maturity to 1998B Bondholders and invest from the Principal Account in the amount of \$31,666.67 to mature in time for the December 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.

03/06/08

Ayes: Three; Commrs. Swiatek, Vacco 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 Mrs. Vacco

WHEREAS, Susan Rinaldo, Cash Manager advised under date of February 26, 2008 that there was available on February 29, 2008 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 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: Three; Commrs. Swiatek, Vacco 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 Mrs. Vacco

WHEREAS, Susan Rinaldo, Cash Manager advised under date of February 26, 2008 that there was available on February 29, 2008 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 July 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 July 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: Three; Commrs. Swiatek, Vacco and Warthling
Noes: None

03/06/08

ITEM 10 - RATIFICATION OF THE INVESTMENT OF FUNDS FROM THE MANUFACTURERS & TRADERS TRUST COMPANY, DEBT SERVICE FUND WATER WORKS SYSTEM REVENUE REFUNDING BONDS, SERIES 2007 - \$160,819.89

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Susan Rinaldo, Cash Manager advised under date of February 26, 2008 that there was available on February 25, 2008 the following amounts in the Debt Service Fund Water Works System Revenue Refunding Bonds, Series 2007:

Interest Account \$136,236.56
Principal Account \$ 24,583.33

and has recommended that the Manufacturers & Traders Trust Company, as Fiscal Agent, be authorized to invest from the Interest Account, in the amount of \$136,236.56 to mature in time for the June 1, 2008 Interest Payment at the highest yield to maturity to 2007 Bondholders and invest from the Principal Account in the amount of \$24,583.33 to mature in time for the December 1, 2008 Principal Payment at the highest yield to maturity to 2007 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 \$136,236.56 to mature in time for the June 1, 2008 Interest Payment at the highest yield to maturity to 2007 Bondholders and invest from the Principal Account in the amount of \$24,583.33 to mature in time for the December 1, 2008 Principal Payment at the highest yield to maturity to 2007 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: Three; Commrs. Swiatek, Vacco and Warthling
Noes: None

ITEM 11 - AUTHORIZATION TO ACCEPT THE CONSTRUCTION AND INSTALLATION OF 750 LINEAR FEET OF EIGHT-INCH PVC

**WATERMAIN, TWO HYDRANTS, ONE LINE VALVE AND
APPURTENANCES IN WATERFORD COMMONS, PHASE 3, TOWN OF
CLARENCE, NEW YORK, PROJECT NO. 200400196, EC NO. 5732**

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Erie County Water Authority ("Authority"), by resolution dated October 25, 2007, identified as Item No. 6, of the Minutes of that meeting, accepted the proposal of CMB Winsor, LLC for the construction and installation of approximately 2,015 l.f. of eight-inch PVC watermain, four hydrants and appurtenances in Waterford Commons, Phase 3, Town of Clarence, New York, identified by Work Authorization No. EC 5732; and

WHEREAS, The Bill of Sale dated February 7, 2008 and the Schedule of Inventory dated August 17, 2007 have been approved by Wesley C. Dust, Executive Engineer and Mark J. Fuzak, Counsel and the construction and installation of 750 linear feet of eight-inch PVC watermain, two hydrants, one line valve and appurtenances in Waterford Commons, Phase 3, Town of Clarence, New York have been installed in accordance with the specifications of the Authority; and

WHEREAS, The Division of Environmental Health of the Health Department of the County of Erie has under date of November 26, 2007 approved the completed works for public water supply improvement for Waterford Commons, Phase 3, Town of Clarence, New York; and

WHEREAS, Albert J. Meaney, Comptroller has reviewed the costs of the main and hydrants and finds them reasonable and correct; and

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

NOW, THEREFORE, BE IT RESOLVED:

That the Authority accept the construction and installation of 750 linear feet of eight-inch PVC watermain, two hydrants, one line valve and appurtenances in Waterford Commons, Phase 3, Town of Clarence, New York, and said main, hydrants and line valve be added to the property records of the Authority.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

**ITEM 12 - AUTHORIZATION TO ACCEPT THE CONSTRUCTION AND
INSTALLATION OF 1,321 LINEAR FEET OF EIGHT (8") INCH PVC
WATERMAIN, TWO HYDRANTS, ONE LINE VALVE AND
APPURTENANCES IN WATERFORD ESTATES PHASE 3, PART A AND B,
TOWN OF CLARENCE, NEW YORK, PROJECT NO. 200400534, EC NO.**

5735

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Erie County Water Authority ("Authority"), by resolution dated October 11, 2007, identified as Item No. 13, of the Minutes of that meeting, accepted the proposal of Cimato Enterprises, Inc. for the construction and installation of approximately 1,321 l.f. of eight-inch PVC watermain, two hydrants and appurtenances in Waterford Estates Phase 3, Part A and B, Town of Clarence, New York, identified by Work Authorization No. EC 5735; and

WHEREAS, The Bill of Sale dated February 7, 2008 and the Schedule of Inventory dated August 17, 2007 have been approved by Wesley C. Dust, Executive Engineer and Mark J. Fuzak, Counsel and the construction and installation of 1,321 l.f. of eight-inch PVC watermain, two hydrants, one line valve and appurtenances in Waterford Estates Phase 3, Part A and B, Town of Clarence, New York have been installed in accordance with the specifications of the Authority; and

WHEREAS, The Division of Environmental Health of the Health Department of the County of Erie has under date of February 13, 2008 approved the completed works for public water supply improvement for Waterford Estates Phase 3, Part A and B, Town of Clarence, New York; and

WHEREAS, Albert J. Meaney, Comptroller has reviewed the costs of the main and hydrants and finds them reasonable and correct; and

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

NOW, THEREFORE, BE IT RESOLVED:

That the Authority accept the construction and installation of 1,321 l.f. of eight-inch PVC watermain, two hydrants, one line valve and appurtenances in Waterford Estates Phase 3, Part A and B, Town of Clarence, New York, and said main, hydrants and line valve be added to the property records of the Authority.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 13 - AUTHORIZATION TO EXECUTE PRELIMINARY UTILITY WORK AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR PAVEMENT REHABILITATION AND DRAINAGE IMPROVEMENTS, RTE. 952A, GENESEE STREET, SH 1212, RTE. 952Q, WALDEN AVENUE, SH 9411, TOWN OF CHEEKTOWAGA, ERIE COUNTY, PROJECT NO. 200800047, IDENTIFIED AS PIN NO. 5810.14

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Wesley C. Dust, P.E., Executive Engineer, has advised that the New York State Department of Transportation ("NYSDOT") has submitted forms for Preliminary Utility Work Agreement for work to be performed on Authority facilities due to the project described as Pavement Rehabilitation and Drainage Improvements, Rte. 952A, Genesee St., SH 1212, Rte. 952Q, Walden Ave., SH 9411, Town of Cheektowaga, Erie County, identified as PIN No. 5810.14; and

WHEREAS, The work involved is to adjust the water valves presently located on State Right-of-Way as shown on the plans for the proposed transportation project; and

WHEREAS, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend the execution of said Preliminary Utility Work Agreement;

NOW, THEREFORE, BE IT RESOLVED:

That the Chairman, or in his absence the Vice Chairman, be and he hereby is authorized and directed to enter into a Preliminary Utility Work Agreement with the NYSDOT for the abovementioned project identified as Pavement Rehabilitation and Drainage Improvements, Rte. 952A, Genesee St., SH 1212, Rte. 952Q, Walden Ave., SH 9411, Town of Cheektowaga, Erie County, identified as PIN No. 5810.14; and be it further

RESOLVED: That the Secretary be and he hereby is authorized to forward the original and three copies of the executed Agreement to Scott McKay, P.E., Regional Utilities Engineer, New York State Department of Transportation, 100 Seneca Street, Buffalo, New York, 14203.

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

ITEM 14 - AUTHORIZATION TO EXECUTE PRELIMINARY UTILITY WORK AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR NY RTE. 16, 33 AND 950M RESURFACING, CITY OF BUFFALO AND TOWN OF WEST SENECA, ERIE COUNTY, PROJECT NO. 200800052, IDENTIFIED AS PIN NO. 5810.12

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Wesley C. Dust, P.E., Executive Engineer, has advised that the New York State Department of Transportation ("NYSDOT") has submitted forms for Preliminary Utility Work Agreement for work to be performed on Authority facilities due to the project described as NY Rte. 16, 33 and 950M Resurfacing, City of Buffalo and Town of West Seneca, Erie County, identified as PIN No. 5810.12; and

WHEREAS, The work involved is to adjust the water valves presently located on State Right-of-Way as shown on the plans for the proposed transportation project; and

WHEREAS, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend the execution of said Preliminary Utility Work Agreement;

NOW, THEREFORE, BE IT RESOLVED:

That the Chairman, or in his absence the Vice Chairman, be and he hereby is authorized and directed to enter into a Preliminary Utility Work Agreement with the NYSDOT for the abovementioned project identified as NY Rte. 16, 33 and 950M Resurfacing, City of Buffalo and Town of West Seneca, Erie County, identified as PIN No. 5810.12; and be it further

RESOLVED: That the Secretary be and he hereby is authorized to forward the original and three copies of the executed Agreement to Scott McKay, P.E., Regional Utilities Engineer, New York State Department of Transportation, 100 Seneca Street, Buffalo, New York, 14203.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 15 - APPROVAL OF CHANGE ORDER NO. 1 OF O'CONNELL ELECTRIC CO. FOR HIGH VOLTAGE, SERVICE, SWITCHGEAR INSPECTION AND EMERGENCY ELECTRICAL WORK WITHIN THE ERIE COUNTY WATER AUTHORITY'S FACILITIES FOR A PERIOD FOR TWO YEARS FROM JUNE 1, 2006 THROUGH MAY 31, 2008, PROJECT NO. 200600049, CONTRACT NO. 06-12-06 - \$230,000

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore and on the 28th day of April, 2006, the Erie County Water Authority ("Authority") entered into a contract with O'Connell Electric Co. for high voltage, service, switchgear inspection and emergency electrical work within the Erie County Water Authority's facilities for a period for two years from June 1, 2006 through May 31, 2008, identified as Contract No. 06-12-06; and

WHEREAS, Said contractor has submitted Change Order No. 1 in the sum of \$230,000 to provide for additional hours to allow for electrical services through the end date of the contract; and

WHEREAS, The reason for said change is because electrical work hours exceeded the original estimate due to reasons outside the Authority's control; 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 O'Connell Electric Co. in the amount of \$230,000 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 - APPROVAL OF CHANGE ORDER NO. 1 OF KANDEY COMPANY, INC. FOR LARGE SERVICES CONTRACT, FEBRUARY 1, 2007 THROUGH JANUARY 31, 2009, PROJECT NO. 200700002, CONTRACT NO. 07-03-01 - \$10,970.66

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore and on the 4th day of January, 2007, the Erie County Water Authority ("Authority") entered into a contract with Kandey Company, Inc. for large services contract, February 1, 2007 through January 31, 2009, identified as Contract No. 07-03-01; and

WHEREAS, Said contractor has submitted Change Order No. 1 in the sum of \$10,970.66 to provide for additional work performed associated with the road bore for the large service at 6330-6350 Main Street; and

WHEREAS, The reason for said change is because the bore was not able to be completed as originally started due to subsurface voids encountered. The Contractor was required to pressure grout the voids with concrete and rebore the casing pipe; 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 Kandey Company, Inc. in the amount of \$10,970.66 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 17 - APPROVAL OF CHANGE ORDER NO. 1 OF BICKFORD PAPER COMPANY, INC. FOR THE FURNISHING, STORING AND DELIVERING OF FORMS, ENVELOPES, PAPERS AND STATIONARY FOR THE PERIOD JULY 1, 2007 THROUGH DECEMBER 31, 2007 PROJECT NO. 200700184, CONTRACT NO. 07-33-07 - \$1,690.40

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore and on the 17th day of July, 2007, the Erie County Water Authority ("Authority") entered into a contract with Bickford Paper Company, Inc. for furnishing, storing and delivering of forms, envelopes, papers and stationary for the period July 1, 2007 through December 31, 2007, identified as Contract No. 07-33-07; and

WHEREAS, The contract is with two six (6) month optional extensions with agreed price adjustments for the period of January 1, 2008 to June 30, 2008 and July 1, 2008 to December 31, 2008; and

WHEREAS, Said contractor has submitted Change Order No. 1 in the sum of \$1,690.40 to provide for price adjustments for the period of January 1, 2008 through July 1, 2008; and

WHEREAS, The reason for said change is because these price adjustments were allowed in the contract; and

WHEREAS, Paul H. Riester, Director of Administration 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 Bickford Paper Company, Inc. in the amount of \$1,690.40 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 18 - AUTHORIZATION FOR WESLEY DUST, EXECUTIVE ENGINEER, RICHARD ROSENBERRY, SR. DISTRIBUTION ENGINEER AND ROBERT NIEDERPRUEM, SR. PRODUCTION ENGINEER TO ATTEND THE NEW YORK STATE AWWA ANNUAL MEETING IN SARATOGA, NEW YORK

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Erie County Water Authority deems it advisable for Wesley Dust, Executive Engineer, Richard Rosenberry, Sr. Distribution Engineer and Robert Niederpruem, Sr. Production Engineer to attend the New York State AWWA Annual Meeting in Saratoga, New York at a total estimated cost of \$2,400.00;

NOW, THEREFORE, BE IT RESOLVED:

That Wesley Dust, Executive Engineer, Richard Rosenberry, Sr. Distribution Engineer and Robert Niederpruem, Sr. Production Engineer be and they are hereby authorized to travel to Saratoga, New York from April 22, 2008 to April 24, 2008 to attend the New York State AWWA Annual Meeting at a total estimated cost of \$2,400.00.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 19 - AUTHORIZATION FOR ROBERT MENDEZ, EXECUTIVE DIRECTOR, ROBERT LICHTENTHAL, DEPUTY DIRECTOR AND WESLEY DUST, EXECUTIVE ENGINEER TO MEET WITH FEDERAL REPRESENTATIVES IN WASHINGTON, D.C.

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Erie County Water Authority deems it advisable for Robert Mendez, Executive Director, Robert Lichtenthal, Deputy Director and Wesley Dust, Executive Engineer to meet with Federal Representatives in Washington, D.C. at an amount not to exceed \$1,000.00;

NOW, THEREFORE, BE IT RESOLVED:

That Robert Mendez, Executive Director, Robert Lichtenthal, Deputy Director and Wesley Dust, Executive Engineer be and they are hereby authorized to travel to Washington, D.C. to meet with Federal Representatives at an amount not to exceed \$1,000.00.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 20 - TODD KLUBEK - LEAVE OF ABSENCE

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to grant Todd Klubek a leave of absence from his permanent position of Auto Mechanic during his provisional appointment as Pump Mechanic.

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

**ITEM 21 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER
AUTHORITY'S ANNUAL CAPITAL 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 O&M and Capital Budgets 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 has determined it is advisable to provide funds for security improvements at the Service Center, which requires the addition of a new capital item and re-allocation of Capital Budget funds as follows:

<u>Unit No</u>	<u>Capital No.</u>	<u>Description</u>	<u>Increase</u>	<u>Decrease</u>
2070	100681	Security Improvements at Service Center	<u>\$ 40,000</u>	
1020	100592	Security System Upgrades		\$20,000
1090	100661	Replacement Vehicle #5		\$3,681
1090	100662	Replacement Vehicle #7		\$4,955
1090	100664	Replacement Vehicle #17		\$3,714
1090	100673	Replacement Vehicle #80		\$2,110
1090	100674	Replacement Vehicle #104		\$2,770
1090	100676	Replacement Vehicle #2		<u>\$2,770</u>
		Totals	\$40,000	\$40,000;

and

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

NOW, THEREFORE, BE IT RESOLVED:

That the Authority's Annual Capital Budget for the fiscal year 2008 be amended

by making the necessary adjustments listed above.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 22 - 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 11-17 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.

ITEM 23 - 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 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 24 - SERVICE CONNECTION WORK ORDER LIST:

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve Service Connection Work Order Nos. 2008-07 and 2008-08, 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 20, 2008 at 10:00 a.m.

Robert J. Lichtenthal, Jr.
Assistant Secretary to the Authority

PF