

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 350 Ellicott Square Building, Buffalo, New York, on the 20th day of March, 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
Wesley C. Dust, Executive Engineer
Ronald P. Bennett, Associate Attorney
Paul H. Riester, Director of Administration
Karla L. Thomas, Director of Human Resources
Daniel J. NeMoyer, Public Affairs Officer
Albert J. Meaney, Comptroller
Steven V. D'Amico, Budget and Financial Analyst
Susan Rinaldo, Cash Manager

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, March 6, 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, March 6, 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 \$27,790.30 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 - FINAL ACCEPTANCE OF PROJECT WITH HAUSRATH'S LANDSCAPE MAINTENANCE, INC. FOR LANDSCAPING, GROUND IMPORVEMENTS AND MAINTENANCE OF PROPERTIES OF THE ERIE COUNTY WATER AUTHORITY, ERIE COUNTY, NEW YORK FROM APRIL 15, 2005 TO NOVEMBER 15, 2006, PROJECT NO. 200500008, CONTRACT NO. 05-14-04 - \$5,180.20

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore and on the 15th day of April, 2005, the Erie County Water Authority ("Authority") entered into a contract with 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, 2005 to November 15, 2006, identified as Contract No. 05-14-04; and

WHEREAS, Heretofore and on the 2nd day of November, 2006 the Authority authorized execution of Change Order No. 1 extending the contract for a one year period; and

WHEREAS, Hausrath's Landscape Maintenance, Inc. has submitted a final invoice dated February 28, 2008 in the amount of \$5,180.20; 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 4 - FINAL ACCEPTANCE OF PROJECT WITH O'CONNELL ELECTRIC CO. INC. 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 - \$39,883.35

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore and on the 25th day of March, 2004, the Erie County Water Authority ("Authority") entered into a contract with O'Connell Electric Co. Inc. 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

WHEREAS, O'Connell Electric Co. Inc. has submitted a final invoice dated September 24, 2007 in the amount of \$39,883.35; 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 - AUTHORIZATION TO ISSUE THE STATE ENVIRONMENTAL QUALITY REVIEW FULL ENVIRONMENTAL ASSESSMENT FORM AND DECLARE THE ERIE COUNTY WATER AUTHORITY AS LEAD AGENCY IN CONNECTION WITH THE INSTALLATION OF A SELF-SUPPORTING ANTENNA TOWER AT THE ERIE COUNTY WATER AUTHORITY'S HARRIS HILL PUMP STATION, PROJECT NO. 200800099

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Erie County Water Authority ("Authority") is proposing to install a self-supporting radio antenna tower with the height of approximately 100 feet at the Harris Hill Pump Station, located at 8630 Main Street, Clarence, New York; and

WHEREAS, Pursuant to Part 617 b NYCRR Article 8 of the Environmental Conservation Law, SEQR, the Authority should "as early as possible in an Agency's formation of an action it proposes to undertake", begin the SEQR process; and

WHEREAS, The Authority determined that the proposed action is an Unlisted Action under SEQRA; and

WHEREAS, Wesley C. Dust, Executive Engineer and Robert A. Mendez, Executive Director recommend issuing the SEQRA Full Environmental Assessment Form and declare the Authority as lead agency in connection with the installation of a self-supporting antenna tower at the Authority's Harris Hill Pump Station;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority, being the most local agency with permitting/funding authority, wishes to declare Lead Agency and conduct a coordinated review; and be it further

RESOLVED: That the Authority is authorized to issue a SEQRA Full Environmental Assessment Form in connection with the installation of a self-supporting antenna tower at the

Authority's Harris Hill Pump Station; and be it further

RESOLVED: That the Authority authorizes the Authority's Engineering Department to coordinate the required mailings and notifications.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

NOW, THEREFORE, BE IT RESOLVED:

That the Authority hereby is authorized to issue the SEQR Negative Declaration and Short Environmental Assessment Form in connection with Contract NC-30, design and construction of the high voltage electrical substation at the Authority's Sturgeon Point Water Treatment Plant project.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 6 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH PAUL ROBILLARD AND ASSOCIATES, INC. TO PROVIDE SHORT AND LONG TERM DISABILITY, NEW YORK STATE DISABILITY INSURANCE, GROUP LIFE, ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE PROGRAM

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 Short and Long Term Disability, New York State Disability Insurance, Group Life, Accidental Death and Dismemberment Insurance Program on August 28, 2007; and

WHEREAS, The following firms received a copy of the RFP: Paul Robillard and Associates, Inc., Vanner Insurance, Danahy Financial Services, NYSIF Disability Benefits and Cochran, Flynn & Lotempio; and

WHEREAS, The respondents to the RFP were: Paul Robillard and Associates, Inc. and Vanner Insurance; 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 Paul Robillard and Associates, Inc. provide Short and Long Term Disability, New York State Disability Insurance, Group Life, Accidental Death and Dismemberment Insurance Program; and

WHEREAS, Karla L. Thomas, Director of Human Resources recommends that the Authority enter into an agreement with Paul Robillard and Associates, Inc.;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority accepts the proposal of Paul Robillard and Associates, Inc. to provide Short and Long Term Disability, New York State Disability Insurance, Group Life, Accidental Death and Dismemberment Insurance Program; 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 Paul Robillard and Associates, Inc.

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

ITEM 7 - AWARD OF CONTRACT TO BONCRAFT PRINTING FOR THE FURNISHING AND DELIVERING OF THE 2007 ANNUAL WATER QUALITY REPORT, PROJECT NO. 200800055 - \$9,266.00

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 27th day of February, 2008, and in Business First on the 29th day of February, 2008, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for the furnishing and delivering of the 2007 Annual Water Quality Report; and

WHEREAS, Sealed bids or proposals were opened in the office of the Authority on the

11th day of March, 2008, at 11:00 a.m., local time, and were as follows:

| BIDDERS | AMOUNT |
|-----------------------------|----------------|
| Boncraft, Inc. | \$ 9,266.00 |
| Orffeo Printing Co., Inc. | 10,459.00 |
| Gallagher Printing, Inc. | 11,480.00 |
| Keller Bros. & Miller, Inc. | 11,790.00 |
| Matrix Imaging Solutions | 12,027.50; 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 Boncraft, Inc. proceed with their contract; and

WHEREAS, Matthew J. Baudo, Secretary to the Authority and Robert A. Mendez, Executive Director have reviewed the specifications and bids and determined that Boncraft, 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 Boncraft, 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 and delivering of the 2007 Annual Water Quality Report in the total amount of \$9,266.00; 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 8 - AWARD OF CONTRACT TO CONCEPT CONSTRUCTION CORP. FOR AREA NO. 1 RESTORATION, APRIL 1, 2008 THROUGH MARCH 31, 2010, PROJECT NO. 200800016 - \$2,162,911.00

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 6th day of February, 2008, and in Business First on the 8th day of February, 2008, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for Area No. 1 Restoration, April 1, 2008 through March 31, 2010; and

WHEREAS, Sealed bids or proposals were opened in the office of the Authority on the 26th day of February, 2008, at 11:15 a.m., local time, and were as follows:

| BIDDERS | AMOUNT |
|---|----------------|
| Concept Construction Corp. | \$2,162,911.00 |
| Destro & Brothers Concrete Company, Inc. | 2,348,100.00* |
| Amherst Paving, Inc. | 2,736,525.00 |

*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, Concept Construction Corp. 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 specifications and bids and determined that Concept Construction Corp. 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 Concept Construction Corp. 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 Area No. 1 Restoration, April 1, 2008 through March 31, 2010 in the total amount of \$2,162,911.00; 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 9 - AWARD OF CONTRACT TO AMHERST PAVING, INC. FOR AREA NO. 2 RESTORATION, APRIL 1, 2008 THROUGH MARCH 31, 2010, PROJECT NO. 200800017 - \$2,446,675.00

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 6th day of February, 2008, and in Business First on the 8th day of February, 2008, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for Area No. 2 Restoration, April 1, 2008 through March 31, 2010; and

WHEREAS, Sealed bids or proposals were opened in the office of the Authority on the 26th day of February, 2008, at 11:30 a.m., local time, and were as follows:

| BIDDERS | AMOUNT |
|---|----------------|
| Amherst Paving, Inc. | \$2,446,675.00 |
| Concept Construction Corp. | 2,558,204.50 |
| Destro & Brothers Concrete Company, Inc. | 2,786,600.00* |

*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, Amherst Paving, 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 specifications and bids and determined that Amherst Paving, 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 Amherst Paving, 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 Area No. 2 Restoration, April 1, 2008 through March 31, 2010 in the total amount of \$2,446,675.00; 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 10 - AWARD OF CONTRACT TO FAIRWAY CONTRACTING FOR CONTRACT NO. EI-001, WATER SYSTEM IMPROVEMENTS, TOWN OF CLARENCE, NEW YORK, PROJECT NO. 200700424 - \$720,872.49

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 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 Contract No. EI-001, water system improvements, Town of Clarence, New York; and

WHEREAS, Sealed bids or proposals were opened in the office of the Authority on the 12th day of February, 2008, at 11:00 a.m., local time, and were as follows:

| BIDDERS | AMOUNT |
|--------------------------------------|---------------|
| Fairway Contracting | \$ 720,872.49 |
| Milherst Construction, Inc. | 839,776.00 |
| Kandey Co., Inc. | 866,688.24 |
| Villager Construction, Inc. | 872,180.00 |
| Triple R Development of WNY, Inc. | 927,650.00 |
| Visone Construction, Inc. | 955,750.00 |
| C. Destro Development, Inc. | 1,087,800.00* |
| WNY Contractors Co., Inc. | 1,111,900.00 |
| E&R General Construction, Inc. | 1,149,084.00 |
| C.M.H. Company, Inc. | 1,310,800.00* |

*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, Fairway Contracting 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, EI Team, 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 Fairway Contracting 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 Fairway Contracting 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. EI-001, water system improvements, Town of Clarence, New York in the total amount of \$720,872.49; 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 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 - AWARD OF CONTRACT TO ACCADIA SITE CONTRACTING, INC. FOR CONTRACT NO. CH-003, WATER SYSTEM IMPROVEMENTS IN THE TOWN OF CHEEKTOWAGA AND THE CITY OF TONAWANDA, PROJECT NO. 200700320 - \$956,675.00

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 9th day of January, 2008, and in Business First on the 11th day of January, 2008, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for Contract No. CH-003, water system improvements in the Town of Cheektowaga and the City of Tonawanda; and

WHEREAS, Sealed bids or proposals were opened in the office of the Authority on the 29th day of January, 2008, at 11:00 a.m., local time, and were as follows:

| BIDDERS | AMOUNT |
|--|---------------|
| Accadia Site Contracting, Inc. | \$ 956,675.00 |
| Visone Construction, Inc. | 1,120,477.00 |
| Western New York Contractors, Inc. | 1,184,725.00* |
| Sicar Management & Construction, Inc. | 1,264,835.00* |
| Armond Cerrone, Inc. | 1,348,750.00 |
| C. Destro Development Co., Inc. | 1,356,060.00 |
| E&R General Construction, Inc. | 1,428,287.00 |
| Fairway Contracting | 1,441,951.91* |

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, Accadia Site Contracting, 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, Clough Harbour & Associates LLP, Consulting Engineers, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director have reviewed the specifications and bids and determined that Accadia Site Contracting, 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 Accadia Site Contracting, 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. CH-003, water system improvements in the Town of Cheektowaga and the City of Tonawanda in the total amount of \$956,675.00; 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 12 - AWARD OF CONTRACT TO FERGUSON ELECTRIC FOR CONTRACT NO. NC-30, STURGEON POINT WATER TREATMENT PLANT ELECTRICAL SUBSTATION PROJECT, PROJECT NO. 200600113 - \$6,808,000.00

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 23rd day of January, 2008, and in Business First on the 25th day of January, 2008, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for Contract No. NC-30, Sturgeon Point Water Treatment Plant Electrical Substation Project; and

WHEREAS, Sealed bids or proposals were opened in the office of the Authority on the 19th day of February, 2008, at 11:00 a.m., local time, and were as follows:

| BIDDERS | AMOUNT |
|--------------------------------|-------------------|
| Ferguson Electric | \$6,808,000.00 |
| Frey Electric Construction Co. | 7,187,000.00 |
| O'Connell Electric Co. | 7,581,000.00; 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, Ferguson Electric 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, Nussbaumer & Clarke, 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 Ferguson Electric 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 Ferguson Electric 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. NC-30, Sturgeon Point Water Treatment Plant Electrical Substation Project in the total amount of \$6,808,000.00; 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 13 - AUTHORIZATION TO ADVERTISE FOR BIDS 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, 2008 THROUGH MAY 31, 2010, PROJECT NO. 200800060

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 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, 2008 through May 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 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, 2008 through May 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, Robert Niederpruem, Director of Production, 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 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, 2008 through May 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 EXTEND THE MAINTENANCE AGREEMENT WITH FM COMMUNICATIONS, INC. TO RENDER MAINTENANCE, REPAIR AND ADJUSTMENTS OF THE EXISTING VOICE RADIO AND AVL SYSTEMS AND THE REMOVAL AND INSTALLATION OF EXISTING VOICE RADIO AND AVL MOBILE UNITS, PROJECT NO. 200600006

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore and on the 6th day of April, 2006 the Erie County Water Authority ("Authority") entered into an Maintenance Agreement ("Agreement") with FM Communications, Inc. to render maintenance, repair and adjustments required to maintain optimum overall system performance of the existing voice radio and AVL systems and the removal and installation of existing voice radio and AVL mobile units; and

WHEREAS, Section 2 (Scope of Services) Paragraph 2.2 states that if the Authority and the Contractor mutually agree to continue this contract after the 31st day of March 2008, it shall be extended for the term of one (1) year on the same terms and conditions as the current Agreement; and

WHEREAS, FM Communications, Inc. submitted a letter dated March 4, 2008 requesting to extend the Agreement for a one year period commencing April 1, 2008; and

WHEREAS, Edward J. Kuwik, Sr. Distribution Engineer recommends extending the Agreement for a one year period; and

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

NOW, THEREFORE, BE IT RESOLVED:

That the Authority extends the Agreement with FM Communications, Inc. to render maintenance, repair and adjustments required to maintain optimum overall system performance of the existing voice radio and AVL systems and the removal and installation of existing voice radio and AVL mobile units for a one year period commencing April 1, 2008.

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

ITEM 15 - 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 hydrant at 4130 Sheridan Drive, Town of Amherst with a new Clow hydrant on 2/19/08. Work done by ECWA forces under Work Authorization No. 107.200 5773.

Mathew hydrant originally installed in 1960 was scrapped and retired under Retirement Authorization No. R80011.

Replace existing hydrant at 2772 George Urban Blvd., Village of Depew with a new Clow hydrant on 2/27/08. Work done by ECWA forces under Work Authorization No. 107.200 5775.

Mathew hydrant originally installed in 1963 was scrapped and retired under Retirement Authorization No. R80012.

Replace existing hydrant at 8395 Ericson Drive, Town of Clarence with a new Clow hydrant on 2/11/08. Work done by ECWA forces under Work Authorization No. 107.200 5771.

Mathew hydrant originally installed pre 1999 was scrapped and retired under Retirement Authorization No. R80009.

Replace existing valve at 64 Colonial Drive, City of Tonawanda with a new 6" resilient valve on 2/14/08. Work done by ECWA forces under Work Authorization No. 107.200 5772.

6" line gate valve originally installed pre 2004 was scrapped and retired under Retirement Authorization No. R80010; 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 16 - AUTHORIZATION TO DONATE ONE USED FIRE HYDRANT TO CLARENCE CENTER VOLUNTEER FIRE COMPANY, INC.

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Matthew J. Baudo, Secretary to the Authority received a letter from the Clarence Center Volunteer Fire Company, Inc. requesting a used fire hydrant from the Authority to be utilized as a dry hydrant for training purposes; and

WHEREAS, Wesley C. Dust, Executive Engineer advised that the Authority has a sufficient amount of used fire hydrants to be donated; and

WHEREAS, Matthew J. Baudo, Secretary to the Authority, Wesley C. Dust, Executive Engineer and Robert A. Mendez, Executive Director recommend donating one used fire hydrant to the Clarence Center Volunteer Fire Company, Inc.;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority is hereby authorized to donate one used fire hydrant to the Clarence Center Volunteer Fire Company, Inc.

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

ITEM 17 - AUTHORIZATION TO GRANT LEAK ALLOWANCE REQUEST - \$508.97

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Robert J. Lichtenthal, Jr., Deputy Director advised the Authority that he has received a leak allowance request from an Authority customer listed below resulting from a service line leak:

- 1) Kailash Chadha
106 Summerview Road
Williamsville, NY 14221
\$508.97; and

WHEREAS, Robert J. Lichtenthal, Jr., Deputy Director advised that the request contains documentation showing that the leak has been repaired; and

WHEREAS, Said leak allowance request has complied with all leak allowance requirements; and

WHEREAS, As stated in Section 9.09 of the Authority's Tariff, the granting of a leak allowance shall be in the sole discretion of the Authority; and

WHEREAS, Robert J. Lichtenthal, Jr., Deputy Director recommends granting the above leak allowance request; and

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

NOW, THEREFORE, BE IT RESOLVED:

That the Authority grant the leak allowance request to the abovementioned customer; and be it further

RESOLVED: That the Comptroller is hereby authorized and directed to adjust the account of the abovementioned customer.

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

ITEM 18 - AUTHORIZATION FOR PAUL RIESTER, DIRECTOR OF ADMINISTRATION TO ATTEND THE NIGP 63rd ANNUAL FORUM AND PRODUCTS EXPOSITION IN CHARLOTTE NORTH CAROLINA

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Erie County Water Authority deems it advisable for Paul Riestler, Director of Administration to attend the NIGP 63rd Annual Forum and Products Exposition in Charlotte, North Carolina at a total estimated cost of \$1,625.00;

NOW, THEREFORE, BE IT RESOLVED:

That Paul Riestler, Director of Administration be and he is hereby authorized to travel to Charlotte, North Carolina from July 26, 2008 through July 30, 2008 to attend NIGP 63rd Annual Forum and Products Exposition at a total estimated cost of \$1,625.00.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 19 - AUTHORIZATION TO AMEND POLICY NO. 13.0 (PHYSICAL STANDARDS AND REQUIREMENTS POLICY) OF THE ERIE COUNTY WATER AUTHORITY'S HUMAN RESOURCES POLICIES/ PROCEDURES MANUAL

Motion by Mr. Warthling seconded by Mrs. Vacco

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

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

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

WHEREAS, Matthew J. Baudo, Secretary to the Authority advises that it is in the best interest of the Authority to amend Policy No. 13.0 (Physical Standards & Requirements Policy) of said manual adding the positions of Microbiologist (Water Quality), Sr. Microbiologist (Water Quality) and Lab Technician (Environmental Microbiology) as noted on Schedule "A" attached, as well as adding the positions of Analytical Chemist (Water Quality), Senior Analytical

Chemist (Water Quality) and Lab Technician (Environmental Chemistry) as noted on Schedule “B” attached; and

WHEREAS, Matthew J. Baudo, Secretary to the Authority recommends amending Policy No. 13.0 (Physical Standards & Requirements Policy) of the Authority’s Human Resources Policies/Procedures Manual adding the positions of Microbiologist (Water Quality), Sr. Microbiologist (Water Quality) and Lab Technician (Environmental Microbiology), Analytical Chemist (Water Quality), Senior Analytical Chemist (Water Quality) and Lab Technician (Environmental Chemistry); and

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

NOW, THEREFORE, BE IT RESOLVED:

That the Authority amend Policy No. 13.0 (Physical Standards & Requirements Policy) of the Authority's Human Resources Policies/Procedures Manual adding the positions of Microbiologist (Water Quality), Sr. Microbiologist (Water Quality) and Lab Technician (Environmental Microbiology) as noted on Schedule “A” attached, as well as adding the positions of Analytical Chemist (Water Quality), Senior Analytical Chemist (Water Quality) and Lab Technician (Environmental Chemistry) as noted on Schedule “B” attached.

Ayes: Three; Comms. 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 18-28 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 page 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 22 - SERVICE CONNECTION WORK ORDER LIST:

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve Service Connection Work Order Nos. 2008-09, 2008-10 and 2008-11, 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, April 3, 2008 at 4:00 p.m.

Matthew J. Baudo
Secretary to the Authority

SLZ