

**MINUTES** of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 350 Ellicott Square Building, Buffalo, New York, on the 8th day of May, 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  
Ronald P. Bennett, Associate Attorney  
Paul H. Riestler, Director of Administration  
Karla L. Thomas, Director of Human Resources  
Daniel J. NeMoyer, Public Affairs Officer  
Albert J. Meaney, Comptroller  
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, April 24, 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, April 24, 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 1-10 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 2-26)**

**ITEM 2 - 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 April 25, 2008 that there was available on May 1, 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 3 - RATIFICATION OF THE INVESTMENT OF FUNDS FROM THE MANUFACTURERS & TRADERS TRUST COMPANY, DEBT SERVICE FUND WATER WORKS SYSTEM REVENUE BONDS, SERIES 1993A - \$195,051.62**

Motion by Mr. Warthling seconded by Mrs. Vacco

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

Secondary Interest Account	\$110,974.18
Payment Account	\$ 84,077.44

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 \$12,082.38 for April installment of variable rate interest payment due to bondholders on June 1, 2008 and the Secondary Interest Account in the amount of \$98,891.80 for April installment of interest at prime plus 3 basis points due to DEPFA, the Standby Bond Purchaser, due on June 1, 2008 and the Payment Account in the amount of \$84,077.44 for the difference between the swap rate and the alternative floating rate on the 1993A bonds for April; 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 12,082.38 for April installment of variable rate interest payment due to bondholders on June 1, 2008 and the Secondary Interest Account in the amount of \$98,891.80 for April installment of interest at prime plus 3 basis points due to DEPFA, the Standby Bond Purchaser, due on June 1, 2008 and the Payment Account in the amount of \$84,077.44 for the difference between the swap rate and the alternative floating rate on the 1993A bonds for April, 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 4 - RATIFICATION OF THE INVESTMENT OF FUNDS FROM THE MANUFACTURERS & TRADERS TRUST COMPANY, DEBT SERVICE FUND WATER WORKS SYSTEM REVENUE BONDS, SERIES 1993B - \$102,213.67**

Motion by Mr. Warthling seconded by Mrs. Vacco

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

Secondary Interest Account	\$48,228.27
Payment Account	\$53,985.40

and has recommended that the Manufacturers & Traders Trust Company, as Fiscal Agent, be authorized to invest the Secondary Interest Account in the amount of \$25,074.17 for April installment of variable rate interest payment due to bondholders on June 1, 2008 and the Secondary Interest Account in the amount of \$23,154.10 for April installment of interest at prime plus 3 basis points due to DEPFA, the Standby Bond Purchaser, due on June 1, 2008 and the Payment Account in the amount of \$53,985.40 for the difference between the swap rate and the alternative floating rate on the 1993B bonds for April; 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 \$25,074.17 for April installment of variable rate interest payment due to bondholders on June 1, 2008 and the Secondary Interest Account in the amount of \$23,154.10 for April installment of interest at prime plus 3 basis points due to DEPFA, the Standby Bond Purchaser, due on June 1, 2008 and the Payment Account in the amount of \$53,985.40 for the difference between the swap rate and the alternative floating rate on the 1993B bonds for April, 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 REFUNDING BONDS, SERIES 1998A - \$50,270.84**

Motion by Mr. Warthling seconded by Mrs. Vacco

**WHEREAS**, Susan Rinaldo, Cash Manager advised under date of April 25, 2008 that there was available on May 1, 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.

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 REFUNDING BONDS, SERIES 1998B - \$112,094.89**

Motion by Mr. Warthling seconded by Mrs. Vacco

**WHEREAS**, Susan Rinaldo, Cash Manager advised under date of April 25, 2008 that there was available on May 1, 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 October 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 October 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 7 - 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 April 25, 2008 that there was available on May 1, 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

**ITEM 8 - 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 April 25, 2008 that there was available on April 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 9 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH CLOUGH HARBOUR & ASSOCIATES, LLP TO RENDER PROFESSIONAL ENGINEERING SERVICES FOR PAVEMENT RESTORATION AT THE ERIE COUNTY WATER AUTHORITY'S SERVICE CENTER AND GUENTHER PUMP STATION, IDENTIFIED AS CONTRACT NO. CH-004, PROJECT NO. 200800095 AT A TOTAL ENGINEERING COST OF \$29,500.00**

Motion by Mr. Warthling seconded by Mrs. Vacco

**WHEREAS**, Heretofore and on the 27th day of December, 2007, the Erie County Water Authority's ("Authority") Board of Commissioners authorized the issuance of a Request for Proposals ("RFP") to qualified firms to provide consulting engineering services for waterline replacement projects for years 2008 and 2009 consisting of three new waterline replacement projects, one large valve replacement project for design in year 2008 and construction in 2009 and a paving project at the Service Center for design and construction in 2008; and

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

TVGA  
Greeman-Pedersen  
Wm. Schutt and Associates  
Clough Harbour & Associates, LLP  
Erdman Anthony  
Watts Architecture & Engineering, P.C.  
C&S Engineers, Inc.  
DiDonato Associates Engineering & Architecture, P.C.  
FRA; and

**WHEREAS**, Proposals were received from all nine firms; 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**, After review by the Authority's Engineering staff the five firms selected were Greeman-Pederson, Wm. Schutt and Associates, TVGA, Erdman Anthony and Clough Harbour & Associates, LLP; and

**WHEREAS**, Wesley C. Dust, Executive Engineer recommends that the Authority's waterline replacement projects for years 2008 and 2009 be divided into three projects and awarded to Greeman-Pederson, Wm. Schutt and Associates and TVGA; the large valve replacement project be awarded to Erdman Anthony and the paving project be awarded to Clough Harbour; and

**WHEREAS**, The Authority deems it advisable to have Clough Harbour & Associates, LLP render professional engineering services for Contract No. CH-004, design and construction of pavement restoration at the Service Center and Guenther Pump Station; and

**WHEREAS**, The Authority agrees to pay Clough Harbour & Associates, LLP for services described in said proposal in accordance with the terms as outlined in Section 3 of said proposal entitled Payment for Services; and

**WHEREAS**, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend acceptance of said proposal by the Authority

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

That the Authority accepts the proposal of Clough Harbour & Associates, LLP to render professional engineering services for design and construction of pavement restoration at the Service Center and Guenther Pump Station, identified as Contract No. CH-004, under the terms and conditions set forth in said proposal; 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 Clough Harbour & Associates, LLP.

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

**ITEM 10 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH O'BRIEN & GERE ENGINEERS, INC. TO RENDER PROFESSIONAL ENGINEERING SERVICES FOR A WATER QUALITY LABORATORY RELOCATION STUDY, IDENTIFIED AS CONTRACT NO. OBG-008, PROJECT NO. 200800083 AT A LUMP SUM FEE OF \$57,000.00**

Motion by Mr. Warthling seconded by Mrs. Vacco

**WHEREAS,** The Erie County Water Authority's ("Authority") Board of Commissioners authorized the issuance of a Request for Proposals ("RFP") to qualified firms to provide consulting engineering services for the Water Quality Laboratory Relocation Study on December 27, 2007; and

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

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

**WHEREAS,** The respondents to the RFP were: Malcolm Pirnie, Inc. and O'Brien & Gere Engineers, Inc.; 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 O'Brien & Gere Engineers, Inc. render professional engineering services for a Water Quality Laboratory Relocation Study; and

**WHEREAS,** Wesley C. Dust, Executive Engineer and Robert A. Mendez, Executive Director recommend that the Authority enter into an agreement with O'Brien & Gere Engineers, Inc. for a lump sum fee of \$57,000;

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

That the Authority accepts the proposal of O'Brien & Gere Engineers, Inc. to render professional engineering services for a Water Quality Laboratory Relocation Study; 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 O'Brien & Gere Engineers, Inc.

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

**ITEM 11 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH DEPFA FIRST ALBANY SECURITIES LLC TO PROVIDE UNDERWRITING SERVICES FOR THE ISSUANCE OF REFUNDING BONDS**

Motion by Mr. Warthling seconded by Mrs. Vacco

**WHEREAS,** The Erie County Water Authority's ("Authority") Board of Commissioners authorized on April 24, 2008 the issuance of a Request for Proposals ("RFP") to qualified firms to act as Underwriters for the issuance of refunding bonds; and

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

JP Morgan Securities, Inc.  
Depfa First Albany Securities LLC  
Citigroup Global Markets, Inc.  
Merrill Lynch Global Markets & Investment Banking  
UBS Investment Bank  
HSBC  
KeyBanc Capital Markets  
M&T Investment Banking Group; and

**WHEREAS,** The respondents to the RFP are: JP Morgan Securities, Inc., Depfa First Albany Securities LLC, Citigroup Global Markets, Inc. and Merrill Lynch Global Markets & Investment Banking; 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 Depfa First Albany Securities LLC render professional underwriting services for the issuance of refunding bonds; and

**WHEREAS,** The Authority's financial advisor, Public Financial Management, Inc. has

participated fully with Authority staff in reviewing the received responses and in the telephone interviews conducted with the responding firms and fully supports the selection of Depfa First Albany Securities LLC; and

**WHEREAS**, Robert J. Lichtenthal, Jr., Deputy Director and Robert A. Mendez, Executive Director recommend that the Authority enter into an agreement with Depfa First Albany Securities LLC to render professional underwriting services for the issuance of refunding bonds;

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

That the Authority accepts the proposal of Depfa First Albany Securities LLC to render professional underwriting services for the issuance of refunding bonds; 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 Depfa First Albany Securities LLC.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

**ITEM 12 - AUTHORIZATION TO AUCTION EIGHTEEN (18) ERIE COUNTY WATER AUTHORITY VEHICLES AT VARIOUS PUBLIC AUCTIONS**

Motion by Mr. Warthling seconded by Mrs. Vacco

**WHEREAS**, The Erie County Water Authority ("Authority") desires to auction off eighteen (18) Authority vehicles (see attached list) at various public auctions; and

**WHEREAS**, Heretofore and on the 26<sup>th</sup> day of September, 2007 the Authority entered into a Professional Contracting Service Agreement with Roy Teitsworth, Inc. for auctioneer services in connection with the Authority's Vehicular Auction for the years 2007, 2008 and 2009; and

**WHEREAS**, Wesley C. Dust, Executive Engineer, Paul H. Riester, Director of Administration and Robert A. Mendez, Executive Director recommend disposing of the eighteen

(18) Authority vehicles as noted on the attached list in accordance with the Professional Contracting Service Agreement with Roy Teitsworth, Inc.

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

That the Authority is hereby authorized to auction off eighteen (18) Authority vehicles as noted on the attached list in accordance with the Professional Contracting Service Agreement with Roy Teitsworth, Inc.

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

**ITEM 13 - CONCLUSION OF THE RESTRICTED PERIOD FOR THE REVIEW OF  
THE ERIE COUNTY WATER AUTHORITY'S 2008 ANNUAL BUDGET**

Motion by Mr. Warthling seconded by Mrs. Vacco

**WHEREAS**, On January 24, 2008, the Board of Commissioners of the Erie County Water Authority ("Authority") authorized the issuance of a Request for Proposal ("RFP") for the review of the Authority's 2008 Annual Budget (both Operating and Capital Budgets); and

**WHEREAS**, Steven V. D'Amico, Budget and Financial Analyst advised that there were no respondents to the RFP; and

**WHEREAS**, Due to the above information, Steven V. D'Amico, Budget and Financial Analyst advises that the Authority deems that the restricted period for the above RFP, as prescribed in the New York State Finance Law §§ 139-j and 139-k and referred to in the Authority's Purchasing Guidelines, Policies and Procedures, is now concluded ; and

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

**NOW, THEREFORE BE IT RESOLVED:**

That the Board of Commissioners, with the adoption of this resolution, deems that the restricted period for the RFP for the review of the Authority's 2008 Annual Budget (both Operating and Capital Budgets), as prescribed in the New York State Finance Law §§ 139-j and 139-k and referred to in the Authority's Purchasing Guidelines, Policies and Procedures, is now concluded.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

**ITEM 14 - AWARD OF CONTRACT TO O'CONNELL ELECTRIC COMPANY, INC. FOR HIGH VOLTAGE, SERVICE, SWITCHGEAR INSPECTION AND EMERGENCY ELECTRICAL WORK WITHIN ERIE COUNTY WATER AUTHORITY'S FACILITIES FOR A PERIOD OF TWO YEARS FROM JUNE 1, 2008 THROUGH MAY 31, 2010, PROJECT NO. 200800060 - \$1,043,550.00**

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 2<sup>nd</sup> day of April, 2008, and in Business First on the 4th day of April, 2008, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for high voltage, service, switchgear inspection and emergency electrical work within Erie County Water Authority's facilities for a period of two years from June 1, 2008 through May 31, 2010; and

**WHEREAS**, A sealed bid or proposal was opened in the office of the Authority on the 15th day of April, 2008, at 11:00 a.m., local time, and was as follows:

<b>BIDDER</b>	<b>AMOUNT</b>
O'Connell Electric Company, Inc.*	\$1,043,550.00

\*Only bid received; and

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



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

**WHEREAS**, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director have reviewed the specification and bid and determined that O'Connell Electric Company, Inc. is a responsible bidder qualified to perform the project and have recommended that a contract be awarded to that firm for the abovementioned project;

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

That it is hereby determined that O'Connell Electric Company, Inc. is a responsible bidder for the abovementioned project, and that the Chairman be and he hereby is authorized and directed to execute a contract with said contractor for the high voltage, service, switchgear inspection and emergency electrical work within Erie County Water Authority's facilities for a period of two years from June 1, 2008 through May 31, 2010 in the total amount of \$1,043,550.00; 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 15 - APPROVAL OF CHANGE ORDER NO. 1 OF MOLLENBERG-BETZ, INC. FOR HEATING, VENTILATING & AIR CONDITIONING SERVICE AND PREVENTATIVE MAINTENANCE WORK WITHIN THE ERIE COUNTY'S FACILITIES FOR A TWO-YEAR PERIOD FROM JULY 1, 2006 THROUGH JUNE 30, 2008, PROJECT NO. 200600081, CONTRACT NO. 06-13-06 - \$120,000**

Motion by Mr. Warthling seconded by Mrs. Vacco

**WHEREAS**, Heretofore and on the 8th day of June, 2006, the Erie County Water Authority ("Authority") entered into a contract with Mollenberg-Betz, Inc. for heating, ventilating and air conditioning service and preventative maintenance work within the Erie

County Water Authority's facilities for a two year period from July 1, 2006 through June 30, 2008, identified as Contract No. 06-13-06; and

**WHEREAS**, Paragraph 11.00 (Grounds for Renewal of Contract) of the Agreement section of the Contract states that "If the Authority and Contractor mutually agree to continue the contract after the 30<sup>th</sup> day of June 2008, it shall be extended for the term of one year on the same terms and conditions...."; and

**WHEREAS**, Mollenberg-Betz, Inc. has submitted a letter dated April 11, 2008 requesting to extend the contract for a period of one year under the same terms and conditions of the existing contract; and

**WHEREAS**, Said contractor has submitted Change Order No. 1 in the sum of \$120,000 to extend the contract for a term of one year; 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 Mollenberg-Betz, Inc. in the amount of \$120,000 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 - 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 Maynard Drive at Crosby Blvd., Town of Amherst with a new resilient seat valve on 4/8/08. Work done by ECWA forces under Work Authorization No. 107.200 5783.

Six (6") inch gate valve originally installed in 1928 was scrapped and retired under Retirement Authorization No. R80019.

Replace existing valve at 614 French Road, Town of Cheektowaga with a new resilient seat valve on 12/6/07. Work done by ECWA forces under Work Authorization No. 107.200 5759.

Eight (8") inch gate valve originally installed in 1927 was scrapped and retired under Retirement Authorization No. R70072; 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 17 - AUTHORIZATION TO INSTALL ONE HYDRANT AT END OF  
MONCKTON DRIVE, TOWN OF HAMBURG, NEW YORK, PROJECT NO.  
200700721, EC NO. 5785**

Motion by Mr. Warthling seconded by Mrs. Vacco

**WHEREAS**, In a resolution dated, December 3, 2007, The Town Board of the Town of Hamburg authorized the Erie County Water Authority ("Authority") to install one hydrant at the end of Monckton Drive, Town of Hamburg, New York under the Authority's annual large service contract; and

**WHEREAS**, This hydrant installation has been assigned Work Authorization No. EC 5785 and Project No. 200700721;

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

That one hydrant be installed at the end of Monckton Drive, Town of Hamburg, New York under the Authority's annual large service contract.

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

**ITEM 18 - AUTHORIZATION OF EIGHT (8") INCH INTERCONNECT AT 5546 SCRANTON ROAD, TOWN OF HAMBURG, NEW YORK, PROJECT NO. 200800280, EC NO. 5784**

Motion by Mr. Warthling seconded by Mrs. Vacco

**WHEREAS**, The Erie County Water Authority ("Authority") desires to interconnect the eight (8") inch watermain in front of 5546 Scranton Road, Town of Hamburg, New York under the Authority's annual large service contract; and

**WHEREAS**, This interconnect has been assigned Work Authorization No. EC 5784 and Project No. 200800280;

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

That the Authority interconnect the eight (8") inch watermain in front of 5546 Scranton Road, Town of Hamburg, New York under the Authority's annual large service contract.

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

**ITEM 19 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER  
AUTHORITY'S ANNUAL BUDGET FOR FISCAL YEAR 2008**

Motion by Mr. Warthling seconded by Mrs. Vacco

**WHEREAS**, In a resolution dated November 30, 2007 the Erie County Water Authority (the "Authority") adopted its Annual Budget for the fiscal year 2008; and

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

**WHEREAS**, The Authority has determined that it is advisable to delete the position of Water Treatment Plant Superintendent in Unit 1015 - Van De Water Plant, and add the position of Water Treatment Plant Operator Crew Chief in this unit; and

**WHEREAS**, The annual salary at Step 1 for Water Treatment Plant Superintendent, Salary Grade 23E, is \$76,244 while the corresponding Step 1 salary for Water Treatment Plant Operator Crew Chief, Salary Grade 17E, is \$62,155; and

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

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

That the Authority's Annual Budget for the fiscal year 2008 be amended by deleting the position of Water Treatment Plant Superintendent in Unit 1015 - Van De Water Plant, and adding the position of Water Treatment Plant Operator Crew Chief in this unit.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

**ITEM 20 - AUTHORIZATION TO AMEND ITEM NO. 7.0 (IDENTIFICATION CARDS)  
TO THE ERIE COUNTY WATER AUTHORITY'S HUMAN RESOURCES  
POLICIES/PROCEDURES MANUAL**

Motion by Mr. Warthling seconded by Mrs. Vacco

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

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

**WHEREAS**, Matthew J. Baudo, Secretary to the Authority advises that it is in the best interest of the Authority to amend Policy No. 7.0 (Identification Cards) of said Manual to read as follows:

**PURPOSE**

To establish a method of identifying employees of the Authority for security and safety purposes.

**POLICY**

It is the policy of the Authority to issue each regular full time and seasonal employee and approved ECWA contractors, a photo identification card for the purpose of Authority security and employee and visitor safety.

**PROCEDURE**

1. A photo identification card will be issued to each regular full time and seasonal employee and ECWA contractors.
2. The photo identification card must be carried at all times, as the cards also permit electronic access to ECWA facilities.
3. The identification card is the property of the ECWA and must be surrendered upon termination of employment, completion of contract work and/or upon demand of the Authority.

4. An employee who loses his/her identification card, must notify the Human Resources Department so that a replacement card can be made as soon as possible. The employee will be given his/her original card and one free replacement card. On the second occurrence of losing his/her identification card, a replacement fee of \$10.00 will be enforced.

This does not apply to documented defections of such card.

5. Identification cards for employees on ECWA Board approved leaves of absence (personal, military), FMLA, disability and worker's compensation leaves and disciplinary suspensions over 30 days in duration, will be deactivated until such time as the employee returns to active duty; and

**WHEREAS**, Matthew J. Baudo, Secretary to the Authority recommends amending Policy No. 7.0 (Identification Cards) of the Authority's Human Resources Policies/Procedures Manual; and

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

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

That the Authority amend Policy No. 7.0 (Identification Cards) of the Authority's Human Resources Policies/Procedures Manual as noted above.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

**ITEM 21 - AUTHORIZATION TO AMEND ITEM NO. 26.0 (SHIFT PREMIUM PAY)  
TO THE ERIE COUNTY WATER AUTHORITY'S HUMAN RESOURCES  
POLICIES/PROCEDURES MANUAL**

Motion by Mr. Warthling seconded by Mrs. Vacco

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

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

**WHEREAS**, Matthew J. Baudo, Secretary to the Authority advises that it is in the best

interest of the Authority to amend Policy No. 26.0 (Shift Premium Pay) of said Manual to read as follows:

**PURPOSE**

To provide additional compensation for those employees regularly assigned to the first (midnight) shift or third (afternoon) shift.

**POLICY**

It is the policy of the Authority to pay a shift premium for each hour worked on the first (midnight) shift or third (afternoon) shift and in accordance with the current Collective Bargaining Agreements.

**PROCEDURE**

Employees regularly assigned to a shift designated by the Authority as the first (midnight) shift or third (afternoon) shift shall be paid the shift premium currently in effect.

Notification of an employee's shift change must be made to the employee's immediate supervisor. Management/Confidential employees are not eligible for shift premium; and

**WHEREAS**, Matthew J. Baudo, Secretary to the Authority recommends amending Policy No. 26.0 (Shift Premium Pay) of the Authority's Human Resources Policies/Procedures Manual; and

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

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

That the Authority amend Policy No. 26.0 (Shift Premium Pay) of the Authority's Human Resources Policies/Procedures Manual as noted above.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None



**ITEM 22 - AUTHORIZATION FOR ROBERT MENDEZ, EXECUTIVE DIRECTOR, ROBERT LICHTENTHAL, JR., DEPUTY DIRECTOR AND SUSAN RINALDO, CASH MANAGER TO TRAVEL TO NEW YORK CITY**

Motion by Mr. Warthling seconded by Mrs. Vacco

**WHEREAS**, The Erie County Water Authority deems it advisable for Robert Mendez, Executive Director, Robert Lichtenthal, Jr., Deputy Director And Susan Rinaldo, Cash Manager to travel to New York City to meet with credit rating agencies for bond refunding at a total estimated cost of \$750;

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

That Robert Mendez, Executive Director, Robert Lichtenthal, Jr., Deputy Director And Susan Rinaldo, Cash Manager be and they are hereby authorized to travel to New York City on June 3, 2008 to meet with credit rating agencies for bond refunding at a total estimated cost of \$750.

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

**ITEM 23 - TRIBUTE TO JOSEPH A. MARZEC, SKILLED WATER UTILITY WORKER**

Motion by Mr. Warthling seconded by Mrs. Vacco

**WHEREAS**, It was with deep sorrow and profound regret that the Erie County Water Authority learned of the death of Joseph A. Marzec on April 30, 2008; and

**WHEREAS**, Joseph A. Marzec was a loyal employee who had served the Authority since June 8, 1981;

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

That we, the Members of the Board and Staff here assembled, desire to extend our sympathy and condolences to the members of Joseph Marzec's family; and be it further

**RESOLVED:** That as a tribute to his memory, the foregoing Preamble and resolution be entered upon the Minutes of this meeting of May 8, 2008; and be it further

**RESOLVED:** That when this Board adjourns, it adjourns out of respect to the memory of the late Joseph A. Marzec.

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

**ITEM 24 - PURCHASE ORDERS:**

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve for payment of Purchase Order Nos. as listed on the attached sheets pages 11-18 after certification by the Comptroller that the orders are in accordance with the quotations and that the Director of Administration be authorized to execute the above and all associated documents after certifying that they are in conformity with applicable laws and the Authority's By-Laws and Purchasing Guidelines, Policies and Procedures.

**ITEM 25 - PURCHASE ORDER AMENDMENTS:**

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve for payment of Purchase Order Amendments as listed on the attached sheet page 19 after certification by the Comptroller that the orders are in accordance with the quotations and that the Director of Administration be authorized to execute the above and all associated documents after certifying that they are in conformity with applicable laws and the Authority's By-Laws and Purchasing Guidelines, Policies and Procedures.

**ITEM 26 - SERVICE CONNECTION WORK ORDER LIST:**

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve Service Connection Work Order Nos. 2008-17 and 2008-18, 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, May 29, 2008 at 5:00 p.m.

Matthew J. Baudo

Secretary to the Authority

SLZ