

**MINUTES** of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 350 Ellicott Square Building, Buffalo, New York, on the 17th day of September, 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. Riester, Director of Administration  
Daniel J. NeMoyer, Public Affairs Officer  
Albert J. Meaney, Comptroller  
Steven V. D'Amico, Budget and Financial Analyst  
Anthony Alessi, Claims Representative/Risk 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, September 4, 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, September 4, 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 1-8 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 2-23)**

**ITEM 2 - 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 - \$41,330.19**

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 September 2, 2008 in the total amount of \$41,330.19 for services performed during the period June 1, 2008 through July 25, 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 \$41,330.19 for professional services rendered during the period June 1, 2008 through July 25, 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 3 - AUTHORIZATION TO GRANT A ONE-TIME COURTESY REVERSAL OF DELINQUENT CHARGES FOR ROSINA FOOD PRODUCTS - \$1,271.48**

Motion by Mr. Warthling seconded by Mrs. Vacco

**WHEREAS**, Heretofore and on the 6th day of May, 2004 the Erie County Water Authority ("Authority") adopted a One-Time Courtesy Delinquent Charge Reversal Policy; and

**WHEREAS**, Said Policy states that if the Authority receives a request to waive a late fee over \$500, the request must be approved by the Board of Commissioners of the Authority; and

**WHEREAS**, Albert J. Meaney, Comptroller, advised the Authority that he has received a request to waive the delinquent charges for Rosina Food Products; and

**WHEREAS**, Mr. Meaney advised that this customer has never received a waiver of late fees in the past; and

**WHEREAS**, Said request has complied with all one-time courtesy delinquent charge reversal requirements; and

**WHEREAS**, Albert J. Meaney, Comptroller, recommends granting the above request; and

**WHEREAS**, Robert J. Lichtenthal, Jr., Deputy Director, concurs with said recommendation;

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

That the Authority grant the one-time courtesy delinquent charge reversal 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 4 - AUTHORIZATION TO ACCEPT PROPOSAL OF ROLL/NEWHOUSE LLC FOR THE INSTALLATION AND CONSTRUCTION OF APPROXIMATELY 2,018 LINEAR FEET OF 12-INCH DUCTILE IRON PIPE, THREE HYDRANTS AND APPURTENANCES IN HARRIS HILL EXTENSION, TOWN OF CLARENCE, NEW YORK, PROJECT NO. 200800031, EC NO. 5774**

Motion by Mr. Warthling seconded by Mrs. Vacco

**WHEREAS**, The Erie County Water Authority ("Authority") desires to enter into a Main Extension Agreement (Builder-Contractor-Developer) with Roll/Newhouse LLC for the installation and construction of approximately 2,108 l.f. of 12-inch ductile iron pipe, three hydrants and appurtenances in Harris Hill Extension, Town of Clarence, New York; and

**WHEREAS**, The materials, work, labor and services for said installation shall be supplied and paid for by the applicant; and

**WHEREAS**, Said installation of main and hydrants has been assigned Work Authorization No. EC-5774; and

**WHEREAS**, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director advised that the materials, work, labor and services for said installations, as proposed to be supplied and installed by the applicant, meet with the Authority's specifications;

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

That the Authority accepts the proposal of Roll/Newhouse LLC for the installation and construction of approximately 2,108 l.f. of 12-inch ductile iron pipe, three hydrants and appurtenances in Harris Hill Extension, Town of Clarence, New York; and be it further

**RESOLVED:** That the Chairman be and he hereby is authorized to execute said Main Extension Agreement (Builder-Contractor-Developer) between the Authority and Roll/Newhouse LLC covering the abovementioned subdivision.

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

**ITEM 5 - AUTHORIZATION TO RESCIND THE AWARD OF CONTRACT TO POTENZA SERVICES, INC. FOR GENERAL CLEANING AND MAINTENANCE SERVICE FOR ERIE COUNTY WATER AUTHORITY SERVICE CENTER AND WATER QUALITY LABORATORY FROM SEPTEMBER 1, 2008 THROUGH AUGUST 31, 2011, PROJECT NO. 200800281**

Motion by Mr. Warthling seconded by Mrs. Vacco

**WHEREAS**, Heretofore and on the 21<sup>st</sup> day of August, 2008 the Erie County Water Authority ("Authority") awarded a contract for general cleaning and maintenance service for Erie County Water Authority Service Center and Water Quality Laboratory from September 1, 2008 through August 31, 2011 to Potenza Services, Inc. ("Potenza"); and

**WHEREAS**, Potenza has submitted a letter requesting to be released from said contract; and

**WHEREAS**, Pursuant to Paragraph 3.7 (Agreement Period) of the contract the Authority reserves the right to terminate the contract at any time, without cause; and

**WHEREAS**, Robert J. Lichtenthal, Jr., Deputy Director, Mark J. Fuzak, Counsel and Paul H. Riester, Director of Administration agree and recommend that it is in the best interest of the Authority to release Potenza from the contract; and

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

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

That the Authority hereby rescinds the award of contract to Potenza Services, Inc. for general cleaning and maintenance service for Erie County Water Authority Service Center and Water Quality Laboratory from September 1, 2008 through August 31, 2011; and be it further

**RESOLVED:** That the Secretary be and he hereby is authorized to forward a certified copy of this resolution to Potenza Services, Inc.

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

**ITEM 6 - AWARD OF CONTRACT TO K&K JANITORIAL SERVICES, INC. FOR GENERAL CLEANING AND MAINTENANCE SERVICE FOR ERIE COUNTY WATER AUTHORITY SERVICE CENTER AND WATER QUALITY LABORATORY FROM SEPTEMBER 1, 2008 THROUGH AUGUST 31, 2011, PROJECT NO. 200800281 - \$239,439.36**

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 July, 2008, and in Business First on the 11th day of July, 2008, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for general cleaning and maintenance service for Erie County Water Authority Service Center and Water Quality Laboratory from September 1, 2008 through August 31, 2011; and

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

| <b>BIDDERS</b>                 | <b>AMOUNT</b>  |
|--------------------------------|----------------|
| Potenza Services, Inc.         | \$148,140.00*  |
| K&K Janitorial Services, Inc.  | \$239,439.36   |
| Stratus Building Solutions     | \$279,445.80   |
| Top of the Line Cleaning, Inc. | \$413,912.76   |
| Jani-King of Buffalo           | Non-Responsive |
| ABC Cleaning                   | Non-Responsive |
| Action Cleaning Services       | Non-Responsive |
| P.S. Elliott Services, Inc.    | Non-Responsive |

\* Corrected Figure; and

**WHEREAS**, Heretofore and on the 21<sup>st</sup> day of August, 2008 the Authority awarded the contract to Potenza Services, Inc.; and

**WHEREAS**, By resolution Item No. 5 on September 17, 2008 the Authority authorized rescinding the award of contract to Potenza Services, Inc.; and

**WHEREAS**, James R. Lisinski, Coordinator of Employee Relations, has advised that the next lowest bidder, K&K Janitorial Services, 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**, Paul H. Riester, Director of Administration and Robert J. Lichtenthal, Jr., Deputy Director have reviewed the specifications and bids and determined that K&K Janitorial Services, Inc. is the next 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 K&K Janitorial Services, 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 general cleaning and maintenance service for Erie County Water Authority Service Center and Water Quality Laboratory from September 1, 2008 through August 31, 2011 in the total amount of \$239,439.36; 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 7 - AWARD OF CONTRACT TO ANASTASI TRUCKING & PAVING CO. FOR CONTRACT NO. CH-004, PAVEMENT REPLACEMENT PROJECT, SERVICE CENTER AND GUENTHER PUMP STATION, ERIE COUNTY, NEW YORK, PROJECT NO. 200800095 - \$195,753.00**

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 July, 2008, and in Business First on the 25th day of July, 2008, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for Contract No. CH-004, pavement replacement project, Service Center and Guenther Pump Station, Erie County, New York; and

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

| <b>BIDDERS</b>                  | <b>AMOUNT</b> |
|---------------------------------|---------------|
| Anastasi Trucking & Paving Co.  | \$195,753.00* |
| Occhino Corp.                   | 196,871.00    |
| Northeast Diversification, Inc. | 199,175.00    |

\* Corrected Figure; and

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

**WHEREAS**, James R. Lisinski, Coordinator of Employee Relations, has advised that the low bidder, Anastasi Trucking & Paving Co. 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 Anastasi Trucking & Paving Co. 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 Anastasi Trucking & Paving Co. 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 Contract No. CH-004, pavement replacement project, Service Center and Guenther Pump Station, Erie County, New York in the total amount of \$195,753.00; 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 8 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR WATERMAIN MATERIALS PURCHASE CONTRACT, JANUARY 1, 2009 TO DECEMBER 31, 2009, PROJECT NO. 200900001**

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 watermain materials purchase contract, January 1, 2009 to December 31, 2009; and

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

**WHEREAS,** The Advertisement for Bids for watermain materials purchase contract, January 1, 2009 to December 31, 2009 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**, Paul H. Riester, Director of Administration will be the designated contact person for the project with the adoption of this resolution;

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

That the plans and specifications and form of bid be prepared for the watermain materials purchase contract, January 1, 2009 to December 31, 2009 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 9 - REFUND FOR NEW SERVICE INSTALLATIONS - \$5,964.18**

Motion by Mr. Warthling seconded by Mrs. Vacco

**WHEREAS**, The Erie County Water Authority ("Authority") has installed new services identified on its records by OWIP numbers; and

**WHEREAS**, Said new services have been completed and the actual cost thereof ascertained; and

**WHEREAS**, The entire actual cost thereof is less than the estimated cost of the new services; and

**WHEREAS**, Albert J. Meaney, Comptroller, under the date of September 17, 2008, has recommended that the following refunds be made as set forth on attached Schedule "A";

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

That the Authority repay the difference between the estimated cost of said new services and the entire actual costs thereof to the parties and in the amounts hereinafter set forth on attached Schedule "A".

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

**ITEM 10 - AUTHORIZATION TO GRANT LEAK ALLOWANCE REQUESTS -**

**\$8,046.65**

Motion by Mr. Warthling seconded by Mrs. Vacco

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

- |  |  |   |
|--|--|---|
| 1) Joshua Neaf<br>35 Fremont Street<br>Tonawanda, NY 14150<br>\$601.51             | 4) Joseph Golabek<br>43 Parkview Ave.<br>Lackawanna, NY 14218<br>\$1,126.60              | 7) Erie Community College<br>4147 Southwestern Blvd.<br>Orchard Park, NY<br>\$1,652.65; and |
| 2) Ronald E. Hoffman<br>7090 Boston Colden Road<br>Boston, NY 14025<br>\$669.89    | 5) Ebenezer Car Services<br>1005 Indian Church Road<br>West Seneca, NY 14224<br>\$964.40 |   |
| 3) South Buffalo Railway<br>Hamburg Turnpike<br>Lackawanna, NY 14218<br>\$1,886.00 | 6) Glen Oaks Condominiums<br>Greenwood Drive<br>Williamsville, NY 14221<br>\$1,145.60    |   |

**WHEREAS**, Robert J. Lichtenthal, Jr., Deputy Director advised that the requests contain documentation showing that the leaks have been repaired; and

**WHEREAS**, Said leak allowance requests have 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 requests; and

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

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

That the Authority grant the leak allowance requests to the abovementioned customers; and be it further

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

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

**ITEM 11 - AUTHORIZATION FOR PAUL WHITTAM, DIRECTOR OF WATER QUALITY TO ATTEND THE AWWA WATER QUALITY TECHNOLOGY CONFERENCE & EXPOSITION IN CINCINNATI, OHIO**

Motion by Mr. Warthling seconded by Mrs. Vacco

**WHEREAS,** The Erie County Water Authority deems it advisable for Paul Whittam, Director of Water Quality to attend the AWWA Water Quality Technology Conference & Exposition in Cincinnati, Ohio at a total estimated cost of \$1,900.00;

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

That Paul Whittam, Director of Water Quality be and he is hereby authorized to travel to Cincinnati, Ohio from November 16, 2008 to November 20, 2008 to attend the AWWA Water Quality Technology Conference & Exposition at a total estimated cost of \$1,900.00.

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

**ITEM 12 - AUTHORIZATION FOR PAUL SIENKIEWICZ, METER SERVICE WORKER AND KENNETH GRABOWSKI, METER SERVICE WORKER TO ATTEND THE CROSS CONNECTION CONTROL COURSE IN ROCHESTER, NEW YORK**

Motion by Mr. Warthling seconded by Mrs. Vacco

**WHEREAS,** The Erie County Water Authority deems it advisable for Paul Sienkiewicz, Meter Service Worker and Kenneth Grabowski, Meter Service Worker to attend the Cross Connection Control Course in Rochester, New York at a total estimated cost of \$2,600.00;

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

That Paul Sienkiewicz, Meter Service Worker and Kenneth Grabowski, Meter Service Worker be and they are hereby authorized to travel to Rochester, New York from November 10, 2008 to November 13, 2008 to attend the Cross Connection Control Course at a total estimated cost of \$2,600.00.

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

**ITEM 13 - AUTHORIZATION FOR ROBERT NIEDERPRUEM, SR. PRODUCTION ENGINEER AND THOMAS WIK, DISTRIBUTION ENGINEER TO ATTEND THE EDWIN TIFFT, JR. WATER SUPPLY SYMPOSIUM IN SYRACUSE, NEW YORK**

Motion by Mr. Warthling seconded by Mrs. Vacco

**WHEREAS**, The Erie County Water Authority deems it advisable for Robert Niederpruem, Sr. Production Engineer and Thomas Wik, Distribution Engineer to attend the Edwin Tiftt, Jr. Water Supply Symposium in Syracuse, New York at a total estimated cost of \$1,800.00;

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

That Robert Niederpruem, Sr. Production Engineer and Thomas Wik, Distribution Engineer be and they are hereby authorized to travel to Syracuse, New York from November 18, 2008 to November 20, 2008 to attend the Edwin Tiftt, Jr. Water Supply Symposium at a total estimated cost of \$1,800.00.

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

**ITEM 14 - AUTHORIZATION FOR ROBERT MENDEZ, EXECUTIVE DIRECTOR TO ATTEND THE 54<sup>TH</sup> ANNUAL EMPLOYEE BENEFITS CONFERENCE IN SAN ANTONIO, TEXAS**

Motion by Mr. Warthling seconded by Mrs. Vacco

**WHEREAS**, The Erie County Water Authority (Authority) deems it advisable for Robert Mendez, Executive Director to attend the 54<sup>th</sup> Annual Employee Benefits Conference in San Antonio, Texas at no cost to the Authority;

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

That Robert Mendez, Executive Director be and he is hereby authorized to travel to San Antonio, Texas from November 15, 2008 to November 19, 2008 to attend the 54<sup>th</sup> Annual Employee Benefits Conference at no cost to the Authority.

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

**ITEM 15 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER  
AUTHORITY'S SCHEDULES OF REQUIRED APPROVALS FOR BUDGET  
TRANSFERS AND CREATIONS OF NEW BUDGET ITEMS**

Motion by Mr. Warthling seconded by Mrs. Vacco

**WHEREAS**, Heretofore and on the 29<sup>th</sup> day of January, 1998 the Erie County Water Authority (the "Authority") adopted its Schedules of Required Approvals for Budget Transfers and Creations of New Budget Items; and

**WHEREAS**, Due to changes in organizational structure and personnel, the Authority finds it necessary to amend its Schedules of Required Approvals for Budget Transfers and Creations of New Budget Items; and

**WHEREAS**, The attached "Outline of Approvals Required for Budget Transfers", Schedule A , and "Approvals Required for Creation of New Budget Items", Schedule B, have been reviewed by Robert A. Mendez, Executive Director, Robert J. Lichtenthal Jr., Deputy Director, and Steven V. D'Amico, Budget/Financial Analyst who recommend approval of said amendment;

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

That the Authority amends its Schedules of Required Approvals for Budget Transfers and Creations of New Budget Items, attached as Schedules A and B.

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

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

Motion by Mr. Warthling seconded by Mrs. Vacco

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

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

**WHEREAS**, In an effort to streamline operations in the Customer Service and Billing Unit, two vacant positions of Customer Service Representative, funded at total of \$80,334, are to be deleted from the budget and replaced with two positions of Junior Customer Service Representative, at a total amount of \$71,382; and

**WHEREAS**, The Authority has determined that it is advisable to remove the two vacant positions of Customer Service Representative and add two positions of Junior Customer Service Representative; and

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

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

That the Authority's Annual O & M Budget, for the fiscal year 2008, be amended by deleting the two positions of Customer Service Representative, funded at \$80,334, and adding two positions of Junior Customer Service Representative in the Customer Service and Billing Unit, at a total amount of \$71,382.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

**ITEM 17 - 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 Capital 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 been advised by Richard Rosenberry, Senior Distribution Engineer, that Contract MP-73 will exceed the budgeted amount due to bids coming in much higher than estimated and also the bulk of materials for this project will be purchased in 2008 to avoid price increases in 2009; and

**WHEREAS**, In order to fund this additional amount, it will be necessary to transfer \$4,500,000 from the Future Construction Account to Capital Budget item number 100524 Contract MP-73, in the Engineering/Construction Van De Water Unit., increasing the Authority's total capital budget amount from \$29,593,384 to \$34,093,384; and

**WHEREAS**, Robert A. Mendez, Executive Director, Robert J. Lichtenthal Jr., Deputy Director, 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 transferring \$4,500,000 from Future Construction Reserves to Capital Budget item 100524 Contract MP-73 in the Engineering/Construction Van De Water Unit.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None



**ITEM 18 - 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 Capital 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 been advised by Richard Rosenberry, Senior Distribution Engineer, that differences from construction and cash flows estimates for various Capital Budget items have resulted in these items exceeding, or are expected to exceed, their budgeted amounts; and

**WHEREAS**, In order to fund these additional amounts, it will be necessary to transfer \$3,110,000 from unused, and not expected to be used, funds from various Capital Budget items which ran, or will run, below budgeted amounts for various Capital Budget items as follows:

| <u>Unit No</u> | <u>Capital No:</u> | <u>Description</u>          | <u>Increase</u> | <u>Decrease</u> |
|----------------|--------------------|-----------------------------|-----------------|-----------------|
| 1025           | 100680             | Various Portable Generators | \$ 130,000      |                 |
| 2070           | 100577             | Repaving S.C. Parking Areas | 130,000         |                 |
| 2510           | 100524             | Contract MP-73              | 2,075,000       |                 |
| 2515           | 100304             | Contract NC-26B (VDW)       | 315,000         |                 |
| 2515           | 100319             | Contract MP-75              | 160,000         |                 |
| 2590           | 100596             | Contract CH-3               | 80,000          |                 |
| 2590           | 100605             | Holland Ave. Betterment     | 20,000          |                 |
| 2590           | 100619             | Contract WSA-7              | 10,000          |                 |
| 2590           | 100621             | Contract T-22               | 30,000          |                 |
| 2595           | 100600             | Contract DA-6               | 125,000         |                 |
| 2595           | 100622             | Contract EA-8               | <u>35,000</u>   |                 |
| 2510           | 100525             | Contract NC-30              |                 | \$ 1,700,000    |
| 2515           | 100617             | NC32A (VDW)                 |                 | 275,000         |
| 2515           | 100679             | Contract OBG-8              |                 | 70,000          |
| 2520           | 000006             | Contract NC26B (Ball PS)    |                 | 65,000          |
| 2520           | 100618             | NC-32A (Ball & Windom PS)   |                 | 425,000         |
| 2590           | 100518             | Como Park Blvd Betterment   |                 | 50,000          |
| 2590           | 100597             | Contract EI-1               |                 | 400,000         |

09/17/08

917

|        |        |                              |               |
|--------|--------|------------------------------|---------------|
| 2590   | 100623 | TOCY Betterment              | 75,000        |
| 2595   | 100629 | Emergency Interconnect Study | <u>50,000</u> |
| Totals |        |                              | \$ 3,110,000  |
|        |        |                              | \$ 3,110,000  |

**WHEREAS**, Robert A. Mendez, Executive Director, Robert J. Lichtenthal Jr., Deputy Director, and Wesley 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 as listed above.

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

**ITEM 19 - AUTHORIZATION TO ADOPT AN ERIE COUNTY WATER AUTHORITY DEBT MANAGEMENT POLICY**

Motion by Mr. Warthling seconded by Mrs. Vacco

**WHEREAS**, The Erie County Water Authority (“Authority”) deems it necessary to standardize and rationalize the issuance and management of debt by the Authority; and

**WHEREAS**, Robert J. Lichtenthal, Jr., Deputy Director recommends that the Authority adopt the attached Debt Management Policy to establish conditions for the use of debt and to create procedures and policies that minimize the Authority’s debt service and issuance costs, retain the highest practical credit rating, and maintain full and complete financial disclosure and reporting; and

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

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

That the Authority adopts the attached Debt Management Policy as noted above.

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

09/17/08

**ITEM 20 - AUTHORIZATION TO ENTER NEGOTIATIONS FOR THE EXTENSION OF THE 2008 INSURANCE PROTECTION PROGRAM**

Motion by Mr. Warthling seconded by Mrs. Vacco

**WHEREAS**, Pursuant to Article V, Title 3, Section 1053 of the Public Authorities Law, the Erie County Water Authority (“Authority”) has the authority to contract for expert professional services; and

**WHEREAS**, Article III, Section 6 of the Authority's By-Laws grants to the Authority the right to contract for expert professional services; and

**WHEREAS**, The Board of Commissioners on September 26, 2007 authorized by resolution (Item #3) the issuance of a Request for Proposal (“RFP”) to qualified firms to provide the Authority with an insurance protection program; and

**WHEREAS**, The RFP was conducted pursuant to the New York State Finance Law §§ 139-j and 139-k and the Authority’s Purchasing Guidelines, Policies and Procedures; and

**WHEREAS**, The RFP specified that the Authority, at its option, may extend the contract for one (1) year after December 31, 2008; and

**WHEREAS**, It is now determined that in order to maximize organizational efficiency with respect to the management of the Authority’s insurance protection program it is in the best interests of the Authority to negotiate the extension of the coverage’s currently in force for a period of six months excluding Worker’s Compensation coverage;

**NOW, THEREFORE BE IT RESOLVED:**

The Authority is hereby authorized to enter negotiations with its current brokers/carriers to extend the Authority’s current coverage’s excluding Workers Compensation coverage for a six month period and designates Deputy Director Robert J. Lichtenthal, Jr. as the contact person for this negotiation and the acceptance of written responses.

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

**ITEM 21 - 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 9-11 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 - 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 12 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 - SERVICE CONNECTION WORK ORDER LIST:**

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve Service Connection Work Order Nos. 2008-35, 2008-36 and 2008-37, 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, October 2, 2008 at 10:00 a.m.

Matthew J. Baudo  
Secretary to the Authority

PF

09/17/08