

**MINUTES** of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 350 Ellicott Square Building, Buffalo, New York, on the 16th day of October, 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**

**ATTENDEES:** **Danielle Elliott**

**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, October 2, 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, October 2, 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 \$19,000.00 and that the Director of Administration be authorized to execute the above and all associated documents after certifying that they are in conformity with applicable laws and the Authority's By-Laws and Purchasing Guidelines, Policies and Procedures.

**ITEM 2 - MASTER PURCHASE ORDERS:**

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve for payment of Master Purchase Order Nos. as listed on the attached sheets pages 1-6 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 3-11)**

**ITEM 3 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH CHILD AND FAMILY SERVICES TO PROVIDE THE ERIE COUNTY WATER AUTHORITY WITH EMPLOYEE ASSISTANCE PROGRAM SERVICES**

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") on September 4, 2008 to qualified firms to provide Employee Assistance Program services, in addition to other services, provide counseling and referral to all full-time and part-time ECWA employees working at five separate locations within Erie County, New York, conduct periodic informational and educational seminars, provide training for ECWA supervisors, furnish quarterly statistical reports for a period of three (3) years; and

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

Catch A Falling Star  
Child and Family Services  
Employee Resources, Inc.  
Prism Health Networks; and

**WHEREAS,** The respondents to the RFP were: Child and Family Services, Employee Resources, Inc. and Prism Health Networks; 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 Child and Family Services render Employee Assistance Program services; and

**WHEREAS,** Matthew J. Baudo, Secretary to the Authority and Robert A. Mendez, Executive Director recommend that the Authority enter into an agreement with Child and Family Services;

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

That the Authority accepts the proposal of Child and Family Services to provide the Authority with Employee Assistance Program Services; 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 Child and Family Services.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

**ITEM 4 - AWARD OF CONTRACT TO SOLVAY FLUORIDES, LLC FOR THE FURNISHING AND DELIVERING OF FLUOSILICIC ACID TO THE ERIE COUNTY WATER AUTHORITY FOR USE IN THE TREATMENT OF WATER FOR ONE YEAR FROM OCTOBER 1, 2008 THROUGH SEPTEMBER 30, 2009, PROJECT NO. 200800370 - \$359,400.00**

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 the furnishing and delivering of Fluosilicic acid to the Erie County Water Authority for use in the treatment of water for one year from October 1, 2008 through September 30, 2009; and

**WHEREAS,** Sealed bids or proposals were opened in the office of the Authority on the 26th day of August, 2008, at 11:00 a.m., local time, and were as follows:

<b>BIDDERS</b>	<b>AMOUNT</b>
Solvay Fluorides, LLC	\$359,400.00
Lucier Chemical Industries Ltd. d/b/a LCI, Ltd.	402,000.00; 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, Solvay Fluorides, LLC 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 Solvay Fluorides, LLC 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 Solvay Fluorides, LLC 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 Fluosilicic acid to the Erie County Water Authority for use in the treatment of water for one year from October 1, 2008 through September 30, 2009 in the total amount of \$359,400.00; 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 5 - AWARD OF CONTRACT TO JCI JONES CHEMICALS, INC. FOR THE FURNISHING AND DELIVERING OF CAUSTIC SODA (50% SOLUTION) TO THE ERIE COUNTY WATER AUTHORITY FOR USE IN THE TREATMENT OF WATER FOR ONE YEAR FROM NOVEMBER 1, 2008 THROUGH OCTOBER 31, 2009, PROJECT NO. 200800371 - \$316,285.00**

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 20th day of August, 2008, and in Business First on the 22nd day of August, 2008, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for the furnishing and delivering of Caustic Soda (50% Solution) to the Erie County Water Authority for use in the treatment of water for one year from November 1, 2008 through October 31, 2009; and

**WHEREAS**, Sealed bids or proposals were opened in the office of the Authority on the 9th day of September, 2008, at 11:00 a.m., local time, and were as follows:

<b>BIDDERS</b>	<b>AMOUNT</b>
JCI Jones Chemicals, Inc.	\$316,285.00
SAL Chemical Company	483,244.00; and

**WHEREAS**, The bid bond submitted by JCI Jones Chemicals, Inc. has been approved by Anthony Alessi, Claims Representative/Risk Manager; and

**WHEREAS**, James R. Lisinski, Coordinator of Employee Relations, has advised that the low bidder, JCI Jones Chemicals, 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 JCI Jones Chemicals, 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 JCI Jones Chemicals, 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 Caustic Soda (50% Solution) to the Erie County Water Authority for use in the treatment of water for

one year from November 1, 2008 through October 31, 2009 in the total amount of \$316,285.00; 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 6 - AWARD OF CONTRACT TO O'CONNELL ELECTRIC CO. FOR CONTRACT NO. NC-32C, INSTALLATION OF ELECTRICAL IMPROVEMENTS FOR STANDBY POWER, PROJECT NO. 200800010 - \$284,525.00**

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 3rd day of September, 2008, and in Business First on the 5th day of September, 2008, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for Contract No. NC-32C, installation of electrical improvements for Standby Power; and

**WHEREAS,** Sealed bids or proposals were opened in the office of the Authority on the 23rd day of September, 2008, at 11:00 a.m., local time, and were as follows:

<b>BIDDERS</b>	<b>AMOUNT</b>
O'Connell Electric Co.	\$284,525.00
Frey Electric Construction Co., Inc. Electrical Service & Systems Installation, Inc.	298,000.00
Industrial Power & Lighting Corp.	300,050.00
Tunney Electric, Inc.	315,800.00
CIR Electrical Construction Corp.	331,211.00*
Ferguson Electric Construction Co.	342,025.00
	370,350.00

\* 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, O'Connell Electric 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,** Nussbaumer & Clarke, Consulting Engineers, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director have reviewed the specifications and bids and determined that O'Connell Electric 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 O'Connell Electric 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 Contract No. NC-32C, installation of electrical improvements for Standby Power in the total amount of \$284,525.00; 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 7 - RATIFICATION OF THE INSTALLATION OF HYDRANTS AND VALVES AND RETIREMENT OF EXISTING HYDRANTS AND VALVES - VARIOUS LOCATIONS**

Motion by Mr. Warthling seconded by Mrs. Vacco

**WHEREAS**, The Engineering Department of the Erie County Water Authority ("Authority") advised that hydrants and valves were installed as part of the Authority's program to keep pace with improvements in fire fighting technology, as follows:

Replace existing hydrant at 70 Pleasant Avenue with a new Mueller Centurion on 9/22/08. Work done by ECWA forces under Work Authorization No. 107.200 5819.

Mueller hydrant/tee/valve originally installed pre 2002 was scrapped and retired under Retirement Authorization No. R80048; and

**WHEREAS**, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director ratify said installations and work;

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

That the Authority approve the retirement of the abovementioned hydrants and valves at the abovementioned locations; and be it further

**RESOLVED:** That the installation of the new hydrants and valves in the abovementioned locations, as part of the Authority's continuing program to improve its facilities is hereby approved, ratified and confirmed.

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

**ITEM 8 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S INVESTMENT GUIDELINES**

Motion by Mr. Warthling seconded by Mrs. Vacco

**WHEREAS**, Pursuant to Article 9, Title 7, Section 2925 of the Public Authorities Law, every public authority and every public benefit corporation other than an industrial development agency or an industrial development authority, whether or not such corporation is otherwise governed by this chapter, shall by resolution adopt comprehensive investment guidelines which detail the corporation's operative policy and instructions to officers and staff regarding the investing, monitoring and reporting of funds of the corporation; and

**WHEREAS**, The Investment Guidelines (Guidelines) must comply with the New York Office of the State Comptroller's Investment Guidelines for Public Authorities; and

**WHEREAS**, These Guidelines may be amended by resolution of the Erie County Water Authority (Authority) from time to time but shall be annually reviewed and approved by the Authority; and

**WHEREAS**, Robert J. Lichtenthal, Jr., Deputy Director advises that it is in the best interest of the Authority to amend the Authority's current Guidelines to read as per attached Schedule "A"; and

**WHEREAS**, Robert J. Lichtenthal, Jr., Deputy Director and Robert A. Mendez, Executive Director recommend amending the Authority's Guidelines;

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

That the Authority amend the Investment Guidelines as noted on attach Schedule "A".

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

**ITEM 9 - 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 7-8 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.

**ITEM 10 - 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 9 after certification by the Comptroller that the orders are in accordance with the quotations and that the Director of Administration be authorized to execute the above and all associated documents after certifying that they are in conformity with applicable laws and the Authority's By-Laws and Purchasing Guidelines, Policies and Procedures.

**ITEM 11 - SERVICE CONNECTION WORK ORDER LIST:**

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve Service Connection Work Order Nos. 2008-40 and 2008-41, 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 30, 2008 at 10:00 a.m.

Matthew J. Baudo  
Secretary to the Authority

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