

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 350 Ellicott Square Building, Buffalo, New York, on the 24th day of November, 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
 Ronald P. Bennett, Associate Attorney
 Emilio Colaiacovo, 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
 Ellen Ziegler, Customer Service Representative
 Kenneth Zachara, Meter Service Worker

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, November 13, 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, November 13, 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 \$3,000.00 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 1-22 after certification by the Comptroller that the orders are in accordance with the quotations and that the Director of Administration be authorized to execute the above and all associated documents after certifying that they are in conformity with applicable laws and the Authority's By-Laws and Purchasing Guidelines, Policies and Procedures.

VI. - UNFINISHED BUSINESS (NONE)

VII. - NEW BUSINESS (RESOLUTIONS 3-22)

**ITEM 3 - RATIFICATION OF THE INVESTMENT OF FUNDS FROM THE
MANUFACTURERS & TRADERS TRUST COMPANY, DEBT SERVICE
FUND WATER WORKS SYSTEM REVENUE REFUNDING BONDS,
SERIES 1998A - \$50,792.50**

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Susan Rinaldo, Cash Manager advised under date of November 14, 2008 that there was available on December 1, 2008 the following amounts in the Debt Service Fund Water Works System Revenue Refunding Bonds, Series 1998A:

Principal Account \$32,916.67
Interest Account \$17,875.83

and has recommended that the Manufacturers & Traders Trust Company, as Fiscal Agent, be authorized to invest from the Interest Account, in the amount of \$9,302.08 to mature in time for the December 15, 2008 Interest Payment at the highest yield to maturity to 1998B Bondholders and invest from the Interest Account, in the amount of \$8,573.75 to mature in time for the June 15, 2009 Interest Payment at the highest yield to maturity to 1998B Bondholders and invest from the Principal Account in the amount of \$32,916.67 to mature in time for the December 15, 2009 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 \$9,302.08 to mature in time for the December 15, 2008 Interest Payment at the highest yield to maturity to 1998B Bondholders and invest from the Interest Account, in the amount of \$8,573.75 to mature in time for the June 15, 2009 Interest Payment at the highest yield to maturity to 1998B Bondholders and invest from the Principal Account in the amount of \$32,916.67 to mature in time for the December 15, 2009 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 4 - RATIFICATION OF THE INVESTMENT OF FUNDS FROM THE MANUFACTURERS & TRADERS TRUST COMPANY, DEBT SERVICE FUND WATER WORKS SYSTEM REVENUE REFUNDING BONDS, SERIES 1998B - \$111,688.64

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Susan Rinaldo, Cash Manager advised under date of November 14, 2008 that there was available on December 1, 2008 the following amounts in the Debt Service Fund Water Works System Revenue Refunding Bonds, Series 1998B:

Interest Account \$44,605.31
Principal Account \$67,083.33

and has recommended that the Manufacturers & Traders Trust Company, as Fiscal Agent, be authorized to invest from the Interest Account, in the amount of \$44,605.31 to mature in time for the April 15, 2009 and invest from the Principal Account in the amount of \$67,083.33 to mature in time for the October 15, 2009 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 \$44,605.31 to mature in time for the April 15, 2009 Interest Payment at the highest yield to maturity to 1998B Bondholders and invest from the Principal Account in the amount of \$67,083.33 to mature in time for the October 15, 2009 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 5 - RATIFICATION OF THE INVESTMENT OF FUNDS FROM THE

**MANUFACTURERS & TRADERS TRUST COMPANY, DEBT SERVICE
FUND WATER WORKS SYSTEM REVENUE REFUNDING BONDS,
SERIES 2003F - \$91,766.74**

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Susan Rinaldo, Cash Manager advised under date of November 14, 2008 that there was available on December 1, 2008 the following amounts in the Debt Service Fund Water Works System Revenue Refunding Bonds, Series 2003F:

Interest Account \$39,683.41
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 \$39,683.41 to mature in time for the January 15, 2009 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, 2009 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 \$39,683.41 to mature in time for the January 15, 2009 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, 2009 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 6 - 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 November 14, 2008 that there was available on November 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 December 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 December 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 7 - CONCLUSION OF THE RESTRICTED PERIOD FOR THE ERIE COUNTY

WATER AUTHORITY, SERVICE CENTER GARAGE CAR/TRUCK HIGH PRESSURE WASH SYSTEM, PROJECT NO. 200800382

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Erie County Water Authority ("Authority") heretofore advertised in the Dodge Reports and Front Page on the 15th day of October, 2008, and in Business First on the 17th day of October, 2008, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for Erie County Water Authority, Service Center Garage Car/Truck High Pressure Wash System; and

WHEREAS, A bid opening was held in the office of the Authority on the 28th day of October, 2008, at 11:00 a.m., local time; and

WHEREAS, Paul H. Riester, Director of Administration advised that there were no bids received; and

WHEREAS, Due to the above information, Paul H. Riester, Director of Administration, advises that the Authority recommends and deems that the restricted period for the Erie County Water Authority, Service Center Garage Car/Truck High Pressure Wash System, 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 Erie County Water Authority, Service Center Garage Car/Truck High Pressure Wash System, 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 8 - AUTHORIZATION TO EXTEND VARIOUS ERIE COUNTY WATER AUTHORITY INSURANCE COVERAGES

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Erie County Water Authority (“Authority”) has recently engaged in a process to solicit an extension of the Authority’s insurance coverage’s for a minimum of six months; and

WHEREAS, This action has been taken to move the Authority’s policy renewals away from the end of the calendar year; and

WHEREAS, It has been suggested to the Authority that end of the calendar year renewal pricing may not be as favorable as mid-year pricing due to the inability of underwriters to pay the proper attention to the risk presented at the end of the year due to the sheer volume of accounts being renewed at this time; and

WHEREAS, Robert J. Lichtenthal, Jr., Deputy Director, advises that Liberty Mutual (Property Coverage) has offered a six month extension of coverage at a cost of \$116,671 and Amherst Insurance/Lawley Insurance (Liability Coverage) has offered an eighteen month extension of coverage of \$217,544 per six month period; and

WHEREAS, Robert J. Lichtenthal, Jr., Deputy Director, advises that Vanner Insurance (Public Officials Coverage) has offered at the same premium (pro-rated for six months) as the 2008 premium of \$27,688 (\$13,955 for six months) and that an eighteen month premium can be quoted upon submission of a renewal application; and

WHEREAS, Robert J. Lichtenthal, Jr., Deputy Director and Robert A. Mendez, Executive Director recommend accepting the above offers to extend coverages and to request from Vanner Insurance an eighteen month extension of the Public Officials coverage, looking for price certainty and stability throughout this period;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority extends the Property Coverage with Liberty Mutual for a period of six months at a cost of \$116,671, the Liability Coverage with Amherst Insurance/Lawley Insurance for a period of eighteen months at a cost of \$217,544; and be it further

RESOLVED: That the Authority requests from Vanner Insurance an eighteen month extension of the Public Officials coverage, looking for price certainty and stability throughout this period.

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

ITEM 9 - APPROVAL OF CREDIT CHANGE ORDER NO. 2 OF FERGUSON ELECTRIC CONSTRUCTION CO. FOR CONTRACT NO. NC-26B, VAN DE WATER RAW WATER PUMP STATION, BALL PUMP STATION, ELECTRICAL IMPROVEMENTS, PROJECT NO. 200000374, CONTRACT NO. 07-24-04 - \$28,504.76

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore and on the 22nd day of March, 2007, the Erie County Water Authority ("Authority") entered into a contract with Ferguson Electric Construction Co. for Contract No. NC-26B, Van de Water Raw Water Pump Station Ball Pump Station, Electrical Improvements, identified as Contract No. 07-24-04; and

WHEREAS, Said contractor has submitted Credit Change Order No. 2 in the sum of \$28,504.76 to provide for the following changes:

1. Install additional SCADA monitoring points for Van de Water Raw Water Pump Station as a result of additional monitoring points required for SCADA system.
2. Cut off and provide a new coupling for Van de Water Raw Water Pump Station Pump #6 because the coupling bolts were corroded and could not be removed.
3. Remove asbestos wiring from old speed controllers at the Van de Water Raw Water Pump Station due to hazardous material found during construction.
4. Replace existing 600A, 208V breaker at the Van de Water Raw Water Pump Station because, during construction, the breaker was found to be non-operational.
5. Delete witness testing of VFD drives and motors for Van de Water Raw Water Pump Station and Ball Pump Station because the Engineer at factory certifies VFD and motor test results.
6. Re-wire and install new flood probes in the chemical feed chamber and water meter pit at the Van de Water Raw Water Pump Station because the existing probe wiring went to old control cabinet which was removed.
7. Provide pump interlock circuits to the SCADA system at the Van de Water Raw Water Pump Station which was added at the request of the Authority.
8. Install computer connection in VFD drives and starters at the Van de Water Raw Water Pump Station which was added per the request of the Authority.
9. Add drain piping for pump seals at the Van de Water Raw Water Pump Station

because the new seals (required with new discharge heads) have a pressure relief drain.

10. Cut off and provide a new coupling for Van de Water Raw Water Pump Station Pump #3 because the coupling bolts were corroded and could not be removed.
11. Work was not substantially completed within the time specified because of delays in delivery, installation, startup and testing of pump parts, motors and VFD's resulting in additional costs incurred by the Erie County Water Authority; and

WHEREAS, Nussbaumer & Clarke, Inc., Consulting Engineers, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend approval of said Credit Change Order No. 2;

NOW, THEREFORE, BE IT RESOLVED:

That Credit Change Order No. 2 of Ferguson Electric Construction, Inc. in the amount of \$28,504.76 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 Credit Change Order No. 2 on behalf of the Authority.

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

ITEM 10 - FINAL ACCEPTANCE OF PROJECT WITH FERGUSON ELECTRIC CONSTRUCTION CO. FOR CONTRACT NO. NC-26B, VAN DE WATER RAW WATER PUMP STATION, BALL PUMP STATION, ELECTRICAL IMPROVEMENTS, PROJECT NO. 200000374, CONTRACT NO. 07-24-04 - \$220,187.61

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore and on the 22nd day of March, 2007, the Erie County Water Authority ("Authority") entered into a contract with Ferguson Electric Construction Co. for Contract No. NC-26B, Van de Water Raw Water Pump Station Ball Pump Station, Electrical Improvements, identified as Contract No. 07-24-04; and

WHEREAS, Nussbaumer & Clarke, Inc., Consulting Engineers has submitted a final invoice dated October 29, 2008 in the amount of \$220,187.61; and

WHEREAS, Nussbaumer & Clarke, Inc., Consulting Engineers, Wesley C. Dust, P.E., Executive Engineer, and Robert A. Mendez, Executive Director, recommend acceptance of said project;

NOW, THEREFORE, BE IT RESOLVED:

That the above project is hereby accepted by the Authority as of the date hereof.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 11 - AUTHORIZATION TO REFUND SERVICE CONNECTION FEE TO TIMOTHY AND KIMBERLY PRISE - \$1,000.00

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, On the 30th day of October, 2008, Timothy and Kimberly Prise applied for a one-inch service to 5547 Barnum Road, Newstead, New York and deposited with the Erie County Water Authority ("Authority") the sum of \$2,400.00; and

WHEREAS, Donna Spencer, Customer Service Representative, has advised that customer applied for a two-inch tap and only a one-inch tap was necessary; and

WHEREAS, Albert J. Meaney, Comptroller, recommends that the Authority refund the \$1,000.00 deposit of Timothy and Kimberly Prise; and

NOW, THEREFORE, BE IT RESOLVED:

That the Comptroller be and he hereby is authorized and directed to refund \$1,000.00 to Timothy and Kimberly Prise.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 12 - AUTHORIZATION TO REFUND SERVICE CONNECTION FEE TO DAVID ALTMAN - \$2,400.00

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, On the 27th day of August, 2007, David Altman applied for a 1 ½ “ service to 8421 Sheridan Drive, Clarence, New York and deposited with the Erie County Water Authority ("Authority") the sum of \$2,400.00; and

WHEREAS, Donna Spencer, has advised that plumber and excavator confirmed that existing service was adequate; and

WHEREAS, Albert J. Meaney, Comptroller, recommends that the Authority refund the \$2,400.00 deposit of David Altman; and

NOW, THEREFORE, BE IT RESOLVED:

That the Comptroller be and he hereby is authorized and directed to refund \$2,400.00 to David Altman.

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

ITEM 13 - AUTHORIZATION TO GRANT LEAK ALLOWANCE REQUEST - \$562.34

Motion by Mr. Warthling seconded by Mrs. Vacco

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

- 1) Melissa Velazquez
489 Broad Street
Tonawanda, NY 14150
\$562.34; and

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

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

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

WHEREAS, Robert J. Lichtenthal, Jr., Deputy Director recommends granting the above

leak allowance request; and

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

NOW, THEREFORE, BE IT RESOLVED:

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

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

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 14 - 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 January 5, 2009 to January 8, 2009 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 15 - AUTHORIZATION TO AMEND POLICY NO. 13.0 (PHYSICAL STANDARDS AND REQUIREMENTS POLICY) OF THE ERIE COUNTY WATER AUTHORITY'S HUMAN RESOURCES POLICIES/ PROCEDURES MANUAL

Motion by Mr. Warthling seconded by Mrs. Vacco

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

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

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

WHEREAS, Matthew J. Baudo, Secretary to the Authority advises that it is in the best interest of the Authority to amend Policy No. 13.0 (Physical Standards & Requirements Policy) of said manual adding the positions of Assistant Instrumentation Electrical & Electronic Technician, Instrumentation Electrical & Electronic Technician and Electrical Engineer as noted on Schedule "A" attached; and

WHEREAS, Matthew J. Baudo, Secretary to the Authority recommends amending Policy No. 13.0 (Physical Standards & Requirements Policy) of the Authority's Human Resources Policies/Procedures Manual adding the positions of Assistant Instrumentation Electrical & Electronic Technician, Instrumentation Electrical & Electronic Technician and Electrical Engineer; and

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

NOW, THEREFORE, BE IT RESOLVED:

That the Authority amend Policy No. 13.0 (Physical Standards & Requirements Policy) of the Authority's Human Resources Policies/Procedures Manual adding the positions of Assistant Instrumentation Electrical & Electronic Technician, Instrumentation Electrical & Electronic Technician and Electrical Engineer as noted on Schedule "A" attached.

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

ITEM 16 - AUTHORIZATION TO ADOPT THE 2009 OPERATING AND MAINTENANCE BUDGET

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Annual Operating and Maintenance Budget for the fiscal year 2009 has been presented and fully reviewed by Wesley C. Dust, Executive Engineer, Robert J. Lichtenthal, Jr., Deputy Director, Matthew J. Baudo, Secretary to the Authority, Steven V. D'Amico, Budget and Financial Analyst and Robert A. Mendez, Executive Director, who recommend its adoption;

NOW, THEREFORE, BE IT RESOLVED:

That the Annual Operating and Maintenance Budget for the fiscal year 2009 be adopted as presented; and be it further

RESOLVED: That said Annual Operating and Maintenance Budget and a certified copy of this resolution be filed with (a) Manufacturers and Traders Trust Company as Fiscal Agent for the 1990 A&B Bond Series, issued under the Water Works System Revenue Bond Resolution and the 1998A&B, 2007 and 2008 Bonds, issued under the Fourth General Water Revenue Bond Resolution and (b) the New York State Environmental Facilities Corporation for the Series 1998A&B Bonds and Series 2003F Bonds pursuant to the Project Financing Loan Agreements; and be it further

RESOLVED: That the Comptroller is authorized to advance monies for the Extension and Improvement Fund for the Capital Program.

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

ITEM 17 - AUTHORIZATION TO ADOPT THE 2009 ANNUAL CAPITAL BUDGET

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Annual Capital Budget for the fiscal year 2008 has been presented and fully reviewed by Wesley C. Dust, Executive Engineer, Robert J. Lichtenthal, Jr., Deputy Director, Matthew J. Baudo, Secretary to the Authority, Steven V. D'Amico, Budget and Financial Analyst and Robert A. Mendez, Executive Director, who recommend its adoption;

NOW, THEREFORE, BE IT RESOLVED:

That the Annual Capital Budget for the fiscal year 2009 be adopted as presented; and be it further

RESOLVED: That said Annual Capital Budget and a certified copy of this resolution be filed with (a) Manufacturers and Traders Trust Company as Fiscal Agent for the 1990 A&B Bond Series, issued under the Water Works System Revenue Bond Resolution and the 1998A&B, 2007 and 2008 Bonds, issued under the Fourth General Water Revenue Bond Resolution and (b) the New York State Environmental Facilities Corporation for the Series 1998A&B Bonds and Series 2003F Bonds pursuant to the Project Financing Loan Agreements; and be it further

RESOLVED: That the Comptroller is authorized to advance monies for the Extension and Improvement Fund for the Capital Budget described in said Annual Capital Budget in contemplation of replenishment of the fund through subsequent sale of bonds or other permissible funding instruments as required.

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

ITEM 18 - ELLEN ZIEGLER – RETIREMENT

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Ellen C. Ziegler, Customer Service Representative, will retire from the Erie County Water Authority effective January 10, 2009; and

WHEREAS, Ellen C. Ziegler has been employed at the Authority for twenty-one years and during that period has rendered to the Authority outstanding, dedicated service that will truly be missed;

NOW, THEREFORE, BE IT RESOLVED:

That, on behalf of the Erie County Water Authority, we would like to congratulate Ellen and express our sincere appreciation for her service and cooperative spirit throughout her tenure at the Authority; and be it further

RESOLVED: That the Board of Commissioners extends best wishes to Ellen for health, happiness and longevity in retirement; and be it further

RESOLVED: That a copy of this resolution be presented to Ellen C. Ziegler at the

Authority's Board meeting on November 24, 2008.

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

ITEM 19 - KENNETH ZACHURA – RETIREMENT

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Kenneth B. Zachara, Meter Service Worker, will retire from the Erie County Water Authority effective November 29, 2008; and

WHEREAS, Kenneth B. Zachara has been employed at the Authority for seventeen years and during that period has rendered to the Authority outstanding, dedicated service that will truly be missed;

NOW, THEREFORE, BE IT RESOLVED:

That, on behalf of the Erie County Water Authority, we would like to congratulate Kenneth and express our sincere appreciation for his service and cooperative spirit throughout his tenure at the Authority; and be it further

RESOLVED: That the Board of Commissioners extends best wishes to Kenneth for health, happiness and longevity in retirement; and be it further

RESOLVED: That a copy of this resolution be presented to Kenneth B. Zachara at the Authority's Board meeting on November 24, 2008.

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

ITEM 20 - PURCHASE ORDERS:

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve for payment of Purchase Order Nos. as listed on the attached sheets pages 23-37 after certification by the Comptroller that the orders are in accordance with the quotations and that the Director of Administration be authorized to execute the above and all associated documents after certifying that they are in conformity with applicable laws and the Authority's By-Laws and Purchasing Guidelines, Policies and Procedures.

ITEM 21 - PURCHASE ORDER AMENDMENTS:

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve for payment of Purchase Order Amendments as listed on the attached sheet page 38 after certification by the Comptroller that the orders are in accordance with the quotations and that the Director of Administration be authorized to execute the above and all associated documents after certifying that they are in conformity with applicable laws and the Authority's By-Laws and Purchasing Guidelines, Policies and Procedures.

ITEM 22 - SERVICE CONNECTION WORK ORDER LIST:

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve Service Connection Work Order Nos. 2008-046, 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, December 18, 2008 at 9:00 a.m.

Matthew J. Baudo
Secretary to the Authority

SLZ