

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 350 Ellicott Square Building, Buffalo, New York, on the 12th day of February, 2009.

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
Paul H. Riester, Director of Administration
Daniel J. NeMoyer, Director of Human Resources
Albert J. Meaney, Comptroller
Steven V. D'Amico, Budget and Financial Analyst

ATTENDEES:

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 Wednesday, January 28, 2009.

III. - APPROVAL OF MINUTES

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve the Minutes of the Meeting held on Wednesday, January 28, 2009.

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 \$50,000.00 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 1-13 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 3-14)

ITEM 3 - AUTHORIZATION TO ENTER INTO AN AGREEMENT IN CONNECTION WITH COST OF RELOCATING MUNICIPALLY OWNED FACILITIES MAINTAINED FOR PUBLIC USE WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR SH 9381 HARLEM ROAD, NY ROUTE 240, GENESEE STREET TO YORKTOWN ROAD, HIGHWAY RECONSTRUCTION, TOWNS OF CHEEKTOWAGA AND AMHERST, PROJECT NO. 200100030, IDENTIFIED AS PIN NO. 5268.32 - \$18,670.43

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, By Erie County Water Authority ("Authority") resolution dated May 25, 2006, the Authority entered into a Preliminary Utility Work Agreement with the New York State Department of Transportation ("NYSDOT") for SH 9381 Harlem Road, NY Route 240, Genesee Street to Yorktown Road, Highway Reconstruction, Towns of Cheektowaga and Amherst,

identified as PIN No. 5268.32 at a total estimated cost of \$31,969.00, which will be reimbursed by the State of New York either in full or in part; and

WHEREAS, Under date of January 26, 2009 the NYSDOT submitted a copy of a proposed Agreement in Connection with Cost of Relocating Municipally Owned Facilities Maintained for Public Use in the total amount of \$18,670.43 covering the reimbursable costs of SH 9381 Harlem Road, NY Route 240, Genesee Street to Yorktown Road, Highway Reconstruction, Towns of Cheektowaga and Amherst, identified as PIN No. 5268.32; and

WHEREAS, Wesley C. Dust, P.E., Executive Engineer, and Robert A. Mendez, Executive Director recommend execution of said Agreement;

NOW, THEREFORE, BE IT RESOLVED:

That the Chairman be and he hereby is authorized and directed and directed to enter into an Agreement in Connection with Cost of Relocating Municipally Owned Facilities Maintained for Public Use with the NYSDOT in the total amount of \$18,670.43, which covers the SH 9381 Harlem Road, NY Route 240, Genesee Street to Yorktown Road, Highway Reconstruction, Towns of Cheektowaga and Amherst, identified as PIN No. 5268.32; and be it further

RESOLVED: That the Secretary be and he hereby is authorized to forward the original and five copies of the executed Agreement to Richard Lunz, P.E., Regional Utilities Engineer, New York State Department of Transportation, 100 Seneca Street, Buffalo, New York, 14203.

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

ITEM 4 - AUTHORIZATION TO REFUND SERVICE CONNECTION FEE TO LMED LLC - \$2,400.00

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, On the 17th day of April, 2008, LMED LLC applied for a 2-inch service to 4893 Transit Road, Town of Lancaster, 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 the project for the above service has been cancelled; and

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

NOW, THEREFORE, BE IT RESOLVED:

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

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 5 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL O & M AND CAPITAL BUDGETS 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 ("Authority") adopted its Annual O&M and Capital Budgets 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, A year end review by Albert J. Meaney, Comptroller, of the Authority's accounts has resulted in adjustments being made to some of the accounts in order to properly close the books for the year 2008 and the necessity of a reclassification adjustment to the Authority's O&M and Capital budgets, as follows:

2008 O&M Budget

<u>Description</u>	<u>Increase</u>	<u>Decrease</u>
<u>Operating Expenses:</u>		
Salaries & Wages: Supervision	\$155,029	
Salaries & Wages: Salaries	\$279,988	
Salaries & Wages: Employee Training	\$ 5,820	
Salaries & Wages: Salary Overtime	\$ 77	
Transportation	\$ 56,344	
Payments to Contractors - Restore	\$232,515	
Refuse & Waste Disposal	\$ 73,966	
Stores Expense Credit	<u>\$ 7,033</u>	
Salaries & Wages: Nonproductive Time		\$440,914
Materials		\$ 56,344
Power Purchased		\$232,515

Miscellaneous		<u>\$ 80,999</u>
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Totals	\$810,772	\$810,772
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2008 Capital Budget

<u>Capital No.</u>	<u>Description</u>	<u>Increase</u>	<u>Decrease</u>
100631	Replace Old Leaking Roof Over Control Bldg.	\$ 16,663	
100615	Filter Media Replacement for Filters 1-4	\$ 24,468	
100136	Fire Hydrants, New & Replacements	\$ 2,768	
100137	Service Pipes and Installations in ECWA	\$ 30,713	
100138	Valves & Appurtenances	\$ 8,030	
100139	Misc. Distribution Mains	\$ 352	
100580	Waterline Work Associated w/Erie County Road Projects	\$ 12,610	
100583	New and Replacement Fire Hydrants	\$ 15,692	
100584	Service & Installations in ECWA	<u>\$162,019</u>	
100680	Various Portable Generators		\$ 41,131
100586	Misc. Distribution Mains		\$ 118,865
100596	Contract CH-3		\$ 15,290
100597	Contract EI-01		\$ 12,000
100598	Contract T-21-A		\$ 38,700
100605	Holland Ave. Waterline Replacement		<u>\$ 47,329</u>
	Totals	\$273,315	\$273,315

WHEREAS, The Authority desires to amend the 2008 Annual O&M and Capital Budgets by adjusting them for the items as listed above; and

WHEREAS, Robert A. Mendez, Executive Director, Robert J. Lichtenthal, Deputy Director, Wesley C. Dust, Executive Engineer, Albert J. Meaney, Comptroller, and Steven V. D'Amico, Budget/Financial Analyst, recommend approval of said amendment;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority's Annual O&M and Capital Budgets for the fiscal year 2008 be amended by adjusting them for the items as listed above.

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

**ITEM 6 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER
AUTHORITY'S ANNUAL O & M BUDGET FOR FISCAL YEAR 2009**

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, In a resolution dated November 24, 2008 the Erie County Water Authority (the "Authority") adopted its Annual O&M Budget for the fiscal year 2009; 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 Human Resources Unit, a vacant position of Equal Employment Opportunity Intern(ECWA) is to be deleted from the budget and replaced with the position of Director of Equal Employment Opportunity(ECWA), for which sufficient funds already exist within the budget; and

WHEREAS, The Authority has determined that it is advisable to remove the vacant position of Equal Employment Opportunity Intern(ECWA) and add the position of Director of Equal Employment Opportunity(ECWA); and

WHEREAS, Robert A. Mendez, Executive Director, Robert J. Lichtenthal Jr., Deputy Director, and 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 O & M Budget, for the fiscal year 2009, be amended by deleting the vacant position of Equal Employment Opportunity Intern(ECWA), and adding the position of Director of Equal Employment Opportunity(ECWA).

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

ITEM 7 - AUTHORIZATION FOR JAMES EHRIN, DISTRIBUTION ENGINEER TO ATTEND THE 2009 INTERNATIONAL NO-DIG SHOW IN TORONTO, CANADA

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Erie County Water Authority deems it advisable for James Ehrin, Distribution Engineer to attend the 2009 International No-Dig Show in Toronto, Canada at a total estimated cost of \$1,300.00;

NOW, THEREFORE, BE IT RESOLVED:

That James Ehrin, Distribution Engineer be and he is hereby authorized to travel to Toronto, Canada from March 30, 2009 to April 1, 2009 to attend the 2009 International No-Dig Show at a total estimated cost of \$1,300.00.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 8 - AUTHORIZATION FOR JAMES LISINSKI, DIRECTOR OF EMPLOYEE RELATIONS TO ATTEND THE 2009 NPELRA ANNUAL TRAINING CONFERENCE IN SAN ANTONIO, TEXAS

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Erie County Water Authority deems it advisable for James Lisinski, Director of Employee Relations to attend the 2009 NPELRA Annual Training Conference in San Antonio, Texas at a total estimated cost of \$1,800.00;

NOW, THEREFORE, BE IT RESOLVED:

That James Lisinski, Director of Employee Relations be and he is hereby authorized to travel to San Antonio, Texas from April 5, 2009 to April 9, 2009 to attend the 2009 NPELRA Annual Training Conference at a total estimated cost of \$1,800.00.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 9 - AUTHORIZATION FOR WESLEY DUST, EXECUTIVE ENGINEER, RICHARD ROSENBERRY, SR. DISTRIBUTION ENGINEER AND ROBERT NIEDERPRUEM, SR. PRODUCTION ENGINEER TO ATTEND THE NEW YORK SECTION AWWA SPRING MEETING & EXPO IN SARATOGA SPRINGS, NEW YORK

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Erie County Water Authority deems it advisable for Wesley Dust, Executive Engineer, Richard Rosenberry, Sr. Distribution Engineer and Robert Niederpruem, Sr. Production Engineer to attend the New York Section AWWA Spring Meeting & Expo in Saratoga Springs, New York at a total estimated cost of \$2,400.00;

NOW, THEREFORE, BE IT RESOLVED:

That Wesley Dust, Executive Engineer, Richard Rosenberry, Sr. Distribution Engineer and Robert Niederpruem, Sr. Production Engineer be and they are hereby authorized to travel to Saratoga Springs, New York from April 21, 2009 to April 23, 2009 to attend the New York Section AWWA Spring Meeting & Expo at a total estimated cost of \$2,400.00.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 10 - AUTHORIZATION TO ADOPT THE ERIE COUNTY WATER AUTHORITY'S 2009 GOAL AND OBJECTIVES

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Erie County Water Authority ("Authority") is an organization of dedicated professionals to strive to continuously provide its customers with a plentiful supply of safe, clean drinking water at an affordable rate; and

WHEREAS, The Authority takes great pride in creating a work environment that achieves excellence through rewarding dedication, professionalism and a progressive vision; and

WHEREAS, In order to deliver a superior product and outstanding service that merits equal recognition from its customers and peers, the Authority has produced the attached Erie County Water Authority 2009 Proposed Goals and Objectives; and

WHEREAS, Robert A. Mendez, Executive Director, Robert J. Lichtenthal, Jr., Deputy Director and Wesley C. Dust, Executive Engineer recommend adopting the Erie County Water Authority 2009 Proposed Goals & Objectives;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority hereby adopts the attached Erie County Water Authority 2009 Proposed Goals & Objectives.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 11 - AUTHORIZATION TO AMEND ITEM NO. 43.0 (INSURANCE BENEFITS) 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. 43.0 (Insurance Benefits) of said Manual to read as follows on the attached Schedule "A"; and

WHEREAS, Matthew J. Baudo, Secretary to the Authority recommends amending Policy No. 43.0 (Insurance Benefits) 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. 43.0 (Insurance Benefits) of the Authority's Human Resources Policies/Procedures Manual as noted on the attached Schedule "A".

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

ITEM 12 - 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 14-19 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 13 - 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 20 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 14 - SERVICE CONNECTION WORK ORDER LIST:

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve Service Connection Work Order Nos. 2009-04 and 2009-05, 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 Friday, February 27, 2009 at 9:00 a.m.

Matthew J. Baudo
Secretary to the Authority

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