

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 350 Ellicott Square Building, Buffalo, New York, on the 9th day of April, 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
Ronald P. Bennett, Associate 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: **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, March 26, 2009.

III. - APPROVAL OF MINUTES

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve the Minutes of the Meeting held on Thursday, March 26, 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 \$1,622,866.00 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 1-8 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 3-13)

ITEM 3 - AUTHORIZATION TO ACCEPT FCC REQUIRED 800 MHZ BAND RECONFIGURATION

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Erie County Water Authority (Authority) operates an 800 MHz band vehicle radio system licensed under the Federal Communications Commission (FCC); and

WHEREAS, The FCC requires the reconfiguring of the 800 MHz band and thus will reassign the Authority's band to Sprint Nextel; and

WHEREAS, The system is licensed under FCC license KNNJ877, which covers the system infrastructure; and

WHEREAS, The system infrastructure is a 2 site Multi-Net system, originally supplied by EF Johnson, operating in the 851-854 MHz portion of the 800 MHz band and the site capacity is 1 channel per site, with a total of 2 active channels plus 1 spare; and

WHEREAS, The Authority's equipment is programmed for the Multi-Net system and consists of approximately 113 mobiles, 12 portables, and 5 control stations plus ancillary equipment; and

WHEREAS, Paul Riester, Director of Administration and Scott Aiple, Electrical Engineer recommend the acceptance of all necessary documents and agreements, as required by law, to convert the Authority's system and replace existing equipment at the cost incurred under FCC agreement by Sprint Nextel; and

WHEREAS, EF Johnson will acquire and construct the new installations and reconfigurations and the costs will be assumed by Sprint Nextel at no cost to the Authority; and

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

NOW, THEREFORE, BE IT RESOLVED:

That the Board of Commissioners of the Authority accepts this reconfiguration and empowers Paul Riester, Director of Administration and Scott Aiple, Electrical Engineer to administer and execute all necessary documents of acceptance to complete this required conversion.

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

ITEM 4 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH SUPERIOR STAFF RESOURCES TO PROVIDE THE ERIE COUNTY WATER AUTHORITY WITH EMPLOYMENT ASSISTANCE SERVICES

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Erie County Water Authority's (Authority) Board of Commissioners on February 27, 2009 authorized the issuance of a Request for Proposal ("RFP") to qualified firms to provide employment assistance services; and

WHEREAS, A copy of the RFP was sent to:

Braun Recruitment, Inc.

DeBellis Catherine & Morreale Corporate Staffing
Global Quest Staffing Solutions, Inc.
Pedersen Kolb & Associates, Inc.
SPS Temporaries
Selective Staffing Solutions
Strauss Group, Inc.
Superior Staff Resources; and

WHEREAS, The respondents to the RFP were: DeBellis Catherine & Morreale Corporate Staffing, SPS Temporaries, Braun Recruitment, Inc. and Superior Staff Resources; 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 Superior Staff Resources provide employment assistance services; and

WHEREAS, Superior Staff Resources has committed to a three-year period to provide employment assistance services commencing on May 20, 2009; and

WHEREAS, Matthew J. Baudo, Secretary to the Authority and Robert A. Mendez, Executive Director recommend that the Authority enter into an agreement with Superior Staff Resources to provide employment assistance services;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority accepts the proposal of Superior Staff Resources to provide employment assistance 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 Superior Staff Resources.

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

ITEM 5 - AUTHORIZATION TO AMEND ITEM NO. 4 OF THE MINUTES OF THE MEETING OF THE ERIE COUNTY WATER AUTHORITY HELD ON FEBRUARY 27, 2009 IN CONNECTION WITH THE EXTENSION OF THE LEASE AGREEMENT WITH GATEWAY TRADE CENTER, INC.

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore and on the 27th day of February, 2009, the Board of Commissioners of the Erie County Water Authority (Authority) authorized the extension of the Lease Agreement with Gateway for a period of two years from July 1, 2009 through June 30, 2011; and

WHEREAS, Said resolution states that the additional fixed rent shall increase as follows:

		<u>Biannually</u>
Year 3	July 1, 2009	\$20,455.84
	January 1, 2008	\$20,455.84
Year 4	July 1, 2010	\$21,478.84
	January 1, 2011	\$21,478.84; and

WHEREAS, Year 3 should read July 1, 2009 and January 1, 2010; and

WHEREAS, Matthew J. Baudo, Secretary to the Authority and Robert A. Mendez, Executive Director recommend amending the above noted resolution changing January 1, 2008 to January 1, 2010;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority authorizes amending Resolution Item No. 4 of the Minutes of the Meeting held on February 27, 2009 changing January 1, 2008 to January 1, 2010.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 6 - AWARD OF CONTRACT TO ANTHRAFILTER (US), INC. FOR THE REPLACEMENT OF ANTHRACITE MEDIA AT THE STURGEON POINT WATER TREATMENT PLANT, PROJECT NO. 200800486 - \$93,864.58

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 11th day of February, 2009, and in Business First on the 13th day of February, 2009, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for the replacement of anthracite media at the Sturgeon Point Water Treatment Plant; and

WHEREAS, Sealed bids or proposals were opened in the office of the Authority on the 3rd day of March, 2009, at 11:00 a.m., local time, and were as follows:

BIDDERS	AMOUNT
Anthrafilter (US), Inc.	\$ 93,864.58
Roberts Services, Inc.	103,503.30; and

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

WHEREAS, Inasmuch as said contract is under the limit of \$100,000 and complies with the Authority's Affirmative Action Policy, Robert Brown, Director of Equal Employment Opportunity, recommends that Anthrafilter (US), Inc. proceed with their contract; and

WHEREAS, Wesley C. Dust, P.E., Executive Engineer and Robert A. Niederpruem, Sr. Production Engineer have reviewed the specifications and bids and determined that Anthrafilter (US), 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; and

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

NOW, THEREFORE, BE IT RESOLVED:

That it is hereby determined that Anthrafilter (US), 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 replacement of anthracite media at the Sturgeon Point Water Treatment Plant in the total amount of \$93,864.58; 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 - AWARD OF CONTRACT TO BONCRAFT, INC. FOR THE 2008 ANNUAL WATER QUALITY REPORT, PROJECT NO. 200900044 - \$8,012.00

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 18th day of March, 2009, and in Business First on the 20th day of March, 2009, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for the 2008 Annual Water Quality Report; and

WHEREAS, Sealed bids or proposals were opened in the office of the Authority on the 31st day of March, 2009, at 11:30 a.m., local time, and were as follows:

BIDDERS	AMOUNT
Boncraft, Inc.	\$ 8,012.00
Orffeo Printing	8,301.00
Printed Image	22,598.00; and

WHEREAS, Inasmuch as said contract is under the limit of \$100,000 and complies with the Authority's Affirmative Action Policy, Robert Brown, Director of Equal Employment

Opportunity, recommends that Boncraft, Inc. proceed with their contract; and

WHEREAS, Daniel J. NeMoyer, Director of Human Resources has reviewed the specifications and bids and determined that Boncraft, 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; and

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

NOW, THEREFORE, BE IT RESOLVED:

That it is hereby determined that Boncraft, 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 2008 Annual Water Quality Report in the total amount of \$8,012.00; 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 8 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR ERIE COUNTY WATER AUTHORITY, FORKLIFT TRUCK FOR SERVICE CENTER STORES UNIT, PROJECT NO. 200900032

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 Erie County Water Authority, forklift truck for Service Center Stores Unit; 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 Erie County Water Authority, forklift truck for Service Center Stores Unit 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 Erie County Water Authority, forklift truck for Service Center Stores Unit 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 - AUTHORIZATION TO INTERCONNECT AN EIGHT (8") INCH AND SIXTEEN (16") INCH WATER MAIN AT 250 YOUNGS ROAD, TOWN OF AMHERST, NEW YORK, PROJECT NO. 200900076, EC NO. 5854

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Erie County Water Authority(Authority) desires to interconnect an eight (8") inch and sixteen (16") inch watermain at 250 Youngs Road, Town of Amherst, New York under the Authority's annual large service contract; and

WHEREAS, This interconnection is necessary to separate pressure zones within the Authority's water system to allow more efficient operation and has been recommended by Richard M. Rosenberry, Sr. Distribution Engineer, Wesley C. Dust, Executive Engineer and Robert A. Mendez, Executive Director; and

WHEREAS, This interconnection has been assigned Work Authorization No. EC 5854 and Project No. 200900076;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority interconnect an eight (8”) inch and sixteen (16”) inch watermain at 250 Youngs Road, Town of Amherst, New York under the Authority’s annual large service contract.

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

ITEM 10 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL CAPITAL 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 (Authority) adopted its Annual O&M and Capital Budgets 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, The Authority has been advised by Richard Rosenberry, Senior Distribution Engineer, that two 300 KW portable generators expected to be delivered in 2008, due to reasons beyond our control, were not delivered until 2009; and

WHEREAS, The funding of these portable generators will require reactivation of capital budget item number 100680 – Various Portable Generators and re-allocation of Capital Budget funds as follows:

<u>Unit No</u>	<u>Capital No.</u>	<u>Description</u>	<u>Increase</u>	<u>Decrease</u>
1025	100680	Various Portable Generators	<u>\$ 200,000</u>	
1015	100534	Contract MP-73		<u>\$200,000</u>
Totals			\$200,000	\$200,000

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

NOW, THEREFORE, BE IT RESOLVED:

That the Authority's Annual Capital Budget for the fiscal year 2009 be amended by making the necessary adjustments listed above.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 11 - 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 9-18 after certification by the Comptroller that the orders are in accordance with the quotations and that the Director of Administration be authorized to execute the above and all associated documents after certifying that they are in conformity with applicable laws and the Authority's By-Laws and Purchasing Guidelines, Policies and Procedures.

ITEM 12 - PURCHASE ORDER AMENDMENTS:

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

ITEM 13 - SERVICE CONNECTION WORK ORDER LIST:

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve Service Connection Work Order Nos. 2009-13 and 2009-14, to Nichols Long & Moore Construction Corp. for Service Area No. 1 under Contract No. 09-07-01 and to Russo Development, Inc. for Service Area No. 2 under Contract No. 09-08-01 and large services under Contract No. 09-06-01 to Kandey Company, Inc.

VIII. - ADJOURNMENT

Meeting adjourned until the next regular meeting to be held on Thursday, April 23, 2009.

Matthew J. Baudo
Secretary to the Authority

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