

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 350 Ellicott Square Building, Buffalo, New York, on the 23rd 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
Mark J. Fuzak, Attorney
Ronald P. Bennett, Associate Attorney
Paul H. Riester, Director of Administration
Daniel J. NeMoyer, Director of Human Resources
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, April 9, 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, April 9, 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 \$429,500.00 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 1-18 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.

VI. - UNFINISHED BUSINESS (NONE)**VII. - NEW BUSINESS (RESOLUTIONS 3-13)**

ITEM 3 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH O'BRIEN & GERE ENGINEERS, INC. TO RENDER CONSULTING ENGINEERING SERVICES FOR THE INSPECTION, CLEANING AND DISINFECTION OF SEVERAL WATER STORAGE TANKS, IDENTIFIED AS CONTRACT NO. OBG-009, PROJECT NO. 200900083 AT A TOTAL ESTIMATE ENGINEERING COST OF \$198,000.00

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") to qualified firms to provide consulting engineering services for the inspection, cleaning and disinfection of several water storage tanks on December 31, 2008; and

WHEREAS, A copy of the RFP was sent to:

O'Brien & Gere Engineers, Inc.
Stearns & Wheeler

Wendel Duchscherer
Malcolm Pirnie, Inc.
URS; and

WHEREAS, The respondents to the RFP were: O'Brien & Gere Engineers, Inc., Stearns & Wheler, Wendel Duchscherer and URS; 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 O'Brien & Gere Engineers, Inc. render professional consulting engineering services for the inspection, cleaning and disinfection of several water storage tanks, identified as Contract No. OBG-009; and

WHEREAS, Wesley C. Dust, Executive Engineer and Robert A. Mendez, Executive Director recommend that the Authority enter into an agreement with O'Brien & Gere Engineers, Inc. for a total estimated cost of \$198,000;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority accepts the proposal of O'Brien & Gere Engineers, Inc. to provide the Authority with consulting engineering services for the inspection, cleaning and disinfection of several water storage tanks, identified as Contract No. OBG-009; 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 O'Brien & Gere Engineers, Inc.

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

**ITEM 4 - AUTHORIZATION TO EXTEND PROPERTY INSURANCE COVERAGE
FOR THE ERIE COUNTY WATER AUTHORITY**

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Under the direction of the Board of Commissioners, the Erie County Water Authority (“Authority”) has recently engaged in a process to solicit an extension of the Authority’s insurance coverages; 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 twelve month extension of coverage at the same rate as the expiring policy; and

WHEREAS, Robert J. Lichtenthal, Jr., Deputy Director and Robert A. Mendez, Executive Director recommend accepting the above offers to extend the Property coverage for twelve months;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority extends the Property Coverage with Liberty Mutual for a period of twelve months at the same rate as the expiring policy.

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

ITEM 5 - AWARD OF CONTRACT TO GEHRING PUMPS, INC. FOR THE FURNISHING OF SUBMERSIBLE AGITATOR PUMP FOR ERIE COUNTY WATER AUTHORITY, PROJECT NO. 200900011 - \$12,250.00

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 11th day of March, 2009, and in Business First on the 13th day of March, 2009, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for the furnishing of submersible agitator pump for Erie County Water Authority; and

WHEREAS, Sealed bids or proposals were opened in the office of the Authority on the 31st day of March, 2009, at 11:15 a.m., local time, and were as follows:

BIDDERS	AMOUNT
Gehring Pumps, Inc.	\$12,250.00
Fluid Kinetics, Inc.	37,055.00; and

WHEREAS, The official check and company check have 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 Gehring Pumps, 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 Gehring Pumps, 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 Engineer concurs with said recommendation;

NOW, THEREFORE, BE IT RESOLVED:

That it is hereby determined that Gehring Pumps, 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 of submersible agitator pump for Erie County Water Authority in the total amount of \$12,250.00; 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 6 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE HEATING, VENTILATING AND AIR CONDITIONING SERVICE AND PREVENTATIVE MAINTENANCE WORK WITHIN THE ERIE COUNTY WATER AUTHORITY'S FACILITIES FOR A TWO YEAR PERIOD FROM JULY 1, 2009 THROUGH JUNE 30, 2011, PROJECT NO. 200900094

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 the heating, ventilating and air conditioning service and preventative maintenance work within the Erie County Water Authority's facilities for a two year period from July 1, 2009 through June 30, 2011; 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 the heating, ventilating and air conditioning service and preventative maintenance work within the Erie County Water Authority's facilities for a two year period from July 1, 2009 through June 30, 2011 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, Jay Meyers, Production Engineer 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 heating, ventilating and air conditioning service and preventative maintenance work within the Erie County Water Authority's facilities for a two year period from July 1, 2009 through June 30, 2011 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 7 - AUTHORIZATION TO DISPOSE AND SELL FULL AND PARTIAL WIRE ROLLS TO THE TOWN OF TONAWANDA WATER DEPARTMENT

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Paul H. Riester, Director of Administration advised that the Erie County Water Authority (Authority) currently has 29 rolls of unused and waste wire connectors for antiquated Neptune Meter readers that is destined for disposal and no longer required by the Authority; and

WHEREAS, The Authority is replacing the equipment with wireless format; and

WHEREAS, Paul H. Riester, Director of Administration advises that the Town of Tonawanda Water Department (Town) has presented a purchase order no. WS19450 for \$725 to purchase the above noted equipment; and

WHEREAS, Paul H. Riester, Director of Administration recommends that the Authority sell the 29 rolls of unused and waste wire connectors for antiquated Neptune Meter readers to the Town for \$725.00; and

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

NOW, THEREFORE, BE IT RESOLVED:

That the Authority is hereby authorized to sell the 29 rolls of unused and waste wire connectors for antiquated Neptune Meter readers to the Town for \$725.00.

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

ITEM 8 - APPROVAL OF AMENDMENT NO. 1 OF MALCOLM PIRNIE, INC. TO PROVIDE THE ERIE COUNTY WATER AUTHORITY WITH A VAN DE WATER TREATMENT PLANT CAPITAL IMPROVEMENT PLAN, IDENTIFIED AS CONTRACT NO. MP-75, PROJECT NO. 200800096 - \$95,000.00

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore and on the 29th day of May, 2008, the Erie County Water Authority (Authority) entered into an agreement with Malcolm Pirnie, Inc. for Van de Water Treatment Plant Capital Improvement Plan, identified as Contract No. MP-75; and

WHEREAS, Said consultant has submitted Amendment No. 1 in the sum of \$95,000.00 to provide for the following changes:

ADD: Engineering Services for evaluating the existing Texas and Lang Avenue interconnection with the City of Buffalo, the rehabilitation/improvements at Pine Hill Pump Station and Vukelic Pump Station, and cross-connection control at Van De Water Treatment Plant.

DELETE: Immersed Membrane Evaluation; and

WHEREAS, The reason for the above changes is as follows:

The interconnection with the City of Buffalo has the potential to supplement the ECWA system during emergencies and periods of high demand. This may allow the Authority to postpone the expansion of Van de Water Treatment Plant to provide additional capacity. The cross-connection control evaluation was recommended to the Authority by the Erie County Health Department during a walk-through of the Van de Water Treatment Plant by Health Department staff. An immersed membrane system is not a feasible alternative for the Van de Water Treatment Plant; and

WHEREAS, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend approval of said Amendment No. 1;

NOW, THEREFORE, BE IT RESOLVED:

That Amendment No. 1 of Malcolm Pirnie, Inc. in the amount of \$95,000 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 Amendment No. 1 on behalf of the Authority.

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

ITEM 9 - 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:

Remove existing valve at George Urban Blvd. at Midland Dr., Town of Cheektowaga on 3/19/09. Work done by ECWA forces under Work Authorization No. 107.200 5855.

Valve originally installed in 1948 was scrapped and retired under Retirement Authorization No. R90012.

Replace existing hydrant at Scrivner Drive, Town of Cheektowaga with a new clog hydrant on 2/20/09. Work done by ECWA forces under Work Authorization No. 107.200 5850.

Old hydrant originally installed in 1961 was scrapped and retired under Retirement Authorization No. R90009.

Replace existing hydrant at Saint Francis Drive between Big Tree Road and LaSalle Avenue, Town of Hamburg with a new clog hydrant on 1/9/09. Work done by ECWA forces under Work Authorization No. 107.200 5841.

Old Kennedy hydrant originally installed in 1984 was scrapped and retired under Retirement Authorization No. R90002.

Replace existing valve at Walden Avenue corner of Randolph Ave., Town of Cheektowaga with a new resilient seat valve on 2/25/09. Work done by ECWA forces under Work Authorization No. 107.200 5852.

Old valve originally installed in 1903 was scrapped and retired under Retirement Authorization No. R90010.

Replace existing valve at Tudor Road corner of Campbell Road, Town of Cheektowaga with a new resilient seat valve on 3/25/09. Work done by ECWA forces under Work Authorization No. 107.200 5856.

Old valve originally installed in 1955 was scrapped and retired under Retirement Authorization No. R90013.

Replace existing valve at 94 Poinciana Parkway, Town of Cheektowaga with a new resilient seat valve on 3/25/09. Work done by ECWA forces under Work Authorization No. 107.200 5857.

Old valve originally installed in 1964 was scrapped and retired under Retirement Authorization No. R90014.

Remove existing valve at 404 George Urban Blvd., Town of Cheektowaga on 4/2/09. Work done by ECWA forces under Work Authorization No. 107.200 5858.

Gate valve originally installed in 1952 was scrapped and retired under Retirement Authorization No. R90015.

Remove existing valve at Gibson Street corner of Moyle Avenue, City of Tonawanda on 2/10/09. Work done by ECWA forces under Work Authorization No. 107.200 5848.

Gate valve originally installed pre 2004 was scrapped and retired under Retirement Authorization No. R90008; 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 10 - JOAN BATTAGLIA, STENOGRAPHIC SECRETARY – RETIREMENT

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Joan Battaglia, Stenographic Secretary, will retire from the Erie County Water Authority effective May 14, 2009; and

WHEREAS, Mrs. Battaglia has been employed at the Authority for thirty-six 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 Joan 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 Joan for health, happiness and longevity in retirement; and be it further

RESOLVED: That a copy of this resolution be presented to Joan Battaglia at the Authority's Board meeting on April 23, 2009.

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 19-25 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 26 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. 2009-15 and 2009-16, 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, May 7, 2009.

Matthew J. Baudo
Secretary to the Authority

SLZ