

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held at Salvatore's Italian Gardens, 6461 Transit Road, Depew, New York on the 2nd day of June, 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
Steven V. D'Amico, Budget and Financial Analyst
Karen Prendergast, Manager of Accounting Service

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, May 7, 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, May 7, 2009.

IV. - REPORTS (See "Report" Minutes for Details)

- A) SECRETARY/PERSONNEL**
- B) LEGAL**
- C) FISCAL**
- D) OPERATIONS**
- E) HUMAN RESOURCES**

6/2/09

- F) AUDIT COMMITTEE
- G) GOVERNANCE COMMITTEE

V. - COMMUNICATIONS AND BILLS

ITEM 1 - 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 1-30 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 2-9)

ITEM 2 - AUTHORIZATION TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE CITY OF TONAWANDA IN CONNECTION WITH THE CONSTRUCTION PROJECT ON JOHNSON STREET, CITY OF TONAWANDA, NEW YORK, PROJECT NO. 200800478

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The City of Tonawanda (City) has initiated plans to undertake a construction project on Johnson Street in the City of Tonawanda including milling, asphalt overlay and sidewalk replacement; and

WHEREAS, The Erie County Water Authority (Authority) intends to replace the existing watermain presently located on Johnson Street during the construction project by the City; and

WHEREAS, The City and the Authority desire to enter into a Cooperative Agreement to coordinate and facilitate the street construction project and the watermain project on Johnson Street in order to achieve cost containment and efficiency; and

WHEREAS, Wesley C. Dust, P.E., Executive Engineer and Mark J. Fuzak have

reviewed the agreement and recommend entering into a Cooperative Agreement with the City; and

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

NOW, THEREFORE, BE IT RESOLVED:

That the Authority accepts the Cooperative Agreement between the City and the Authority to coordinate and facilitate the construction project on Johnson Street in order to achieve cost containment and efficiency; 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 the City.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 3 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH AMHERST INSURANCE AGENCY/LAWLEY TO PROVIDE WORKERS COMPENSATION INSURANCE COVERAGE

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Erie County Water Authority ("Authority") is required by bond covenants to maintain insurance for its properties and protection from loss, damage, liability, etc., from such causes that are customarily insured against; and

WHEREAS, The Authority's Board of Commissioners authorized the issuance of a Request for Proposals ("RFP") to qualified firms to provide workers compensation insurance coverage on March 26, 2009; and

WHEREAS, A copy of the RFP was sent to:

USI Holdings
Ralph J. Vanner & Associates, Inc.
Scott Danahy Naylor Co., Inc.
Amherst Insurance Agency
Public Employer Risk Management Association, Inc.
Brown Insurance; and

WHEREAS, The respondents to the RFP were: Amherst Insurance Agency/Lawley and Public Employer Risk Management Association, Inc.; 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 the New York State Insurance Fund Safety Group 496 managed by The Lovell Group as presented by Amherst Insurance Agency/Lawley to provide the Authority with workers compensation insurance coverage; and

WHEREAS, Amherst Insurance Agency/Lawley have committed to a one-year period from July 1, 2009 to July 1, 2010 policy period; and

WHEREAS, Anthony Alessi, Claims Representative/Risk Manager and Robert J. Lichtenhal, Jr., Deputy Director have reviewed the agreement and recommend entering into an agreement with Amherst Insurance Agency/Lawley; and

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

NOW, THEREFORE, BE IT RESOLVED:

That the coverage recommendation for workers compensation be approved and that staff is authorized to bind coverage as identified in this resolution, and be it further

RESOLVED: That the Chairman be and he hereby is authorized to execute any and all applications, agreements, forms, etc., to effectuate coverage; and be it further

RESOLVED: That upon receipt, invoices from Amherst Insurance Company/Lawley Insurance Company, for workers compensation coverage, be referred to the Comptroller's Office for verification, and if found to be in order, that said invoices be approved and the Treasurer, or in his absence, the Assistant Treasurer, be and he hereby is authorized to pay the same; and be it further

RESOLVED: That the Board of Commissioners, with the adoption of this resolution, deems that the restricted period as prescribed in the New York State Finance Law §§ 139-j and 139-k and the Authority's Purchasing Guidelines, Policies and Procedures, is now concluded.

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

ITEM 4 - AWARD OF CONTRACT TO LIFTECH EQUIPMENT COMPANIES, INC. FOR ERIE COUNTY WATER AUTHORITY, FORKLIFT TRUCK FOR SERVICE CENTER STORES UNIT, PROJECT NO. 200900032 - \$51,600.00

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 22nd day of April, 2009, and in Business First on the 24th day of April, 2009, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for Erie County Water Authority, forklift truck for Service Center Stores Unit; and

WHEREAS, Sealed bids or proposals were opened in the office of the Authority on the 12th day of May, 2009, at 11:00 a.m., local time, and were as follows:

BIDDERS	AMOUNT
Liftech Equipment Companies, Inc.	\$51,600.00
Admar Supply Co., Inc.	77,595.00; 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 Liftech Equipment Companies, Inc. proceed with their contract; and

WHEREAS, Wesley C. Dust, P.E., Executive Engineer and Paul H. Riester, Director of Administration have reviewed the specifications and bids and determined that Liftech Equipment Companies, 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 Liftech Equipment Companies, 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 Erie County Water Authority, forklift truck for Service Center Stores Unit in the total amount of \$51,600.00; 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 5 - AUTHORIZATION TO REFUND SERVICE CONNECTION FEE TO KULBACK'S CONSTRUCTION, INC. - \$2,400.00

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, On the 17th day of April, 2008, Kulback's Construction, Inc. applied for a two-inch service to Kulback's Construction, Inc. 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 existing service was reused; and

WHEREAS, Karen A. Prendergast, Manager of Accounting Services, recommends that the Authority refund the \$2,400.00 deposit of Kulback's Construction, Inc.; and

NOW, THEREFORE, BE IT RESOLVED:

That the Manager of Accounting Services be and he hereby is authorized and directed to refund \$2,400.00 to Kulback's Construction, Inc.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 6 - AUTHORIZATION TO GRANT LEAK ALLOWANCE REQUEST - \$623.10

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) KC Property of Buffalo
15 Hedwig Avenue
Buffalo, NY 14211
\$623.10; 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 7 - 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 31-48 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 8 - 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 49 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 9 - SERVICE CONNECTION WORK ORDER LIST:

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve Service Connection Work Order Nos. 2009-021 and 2009-022, 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, June 18, 2009.

Matthew J. Baudo
Secretary to the Authority

SLZ