

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 350 Ellicott Square Building, Buffalo, New York, on the 16th day of July, 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
Albert J. Meaney, Comptroller
Steven V. D'Amico, Budget and Financial Analyst
Brian C. Bray, Public Affairs Officer

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 Thursday, July 2, 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, July 2, 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 - 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 1-17 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 EXTEND THE AGREEMENT WITH BPA-HARBRIDGE CONSULTING GROUP TO RENDER PROFESSIONAL ACTUARIAL SERVICES FOR THE VALUATION OF OTHER POSTEMPLOYMENT BENEFITS (OPEB) FOR THE PERIOD JANUARY 1, 2010 THROUGH DECEMBER 31, 2013

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore and on the 5th day of October, 2006 the Erie County Water Authority (Authority) authorized entering into an agreement with BPA-Harbridge Consulting Group (BPA-Harbridge) to render professional actuarial services for the valuation of other postemployment benefits (OPEB); and

WHEREAS, The agreement will expire December 31, 2009; and

WHEREAS, Paragraph 2 (Payment) of the agreement states that at the Authority's option the contract can be renewed for a two-year or four-year period on 30 days written notification to BPA-Harbridge; and

WHEREAS, Robert J. Lichtenthal, Jr., Deputy Director recommends extending the agreement for a four year period; and

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

NOW, THEREFORE, BE IT RESOLVED:

That the Authority extends the Professional Services Agreement for actuarial services for the Valuation of Other Post Employment Benefits with BPA-Harbridge for a four-year period; and be it further

RESOLVED: That the Secretary be and he hereby is authorized to forward a certified copy of this resolution to BPA-Harbridge.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 3 - AUTHORIZATION TO WAIVE THE ERIE COUNTY WATER AUTHORITY'S PURCHASING GUIDELINES FOR PROCUREMENT OF SUBMERSIBLE AGITATOR PUMP, PROJECT NO. 200900011

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore and on the 23rd day of April, 2009, the Erie County Water Authority ("Authority") entered into a contract with Gehring Pumps, Inc. for the furnishing of submersible agitator pump for Erie County Water Authority, identified as Contract No. 09-12-04; and

WHEREAS, Robert A. Niederpruem, Sr. Production Engineer advises that it is necessary to purchase a second agitator pump and is satisfied with the quality of the pump submitted by Gehring Pumps, Inc.; and

WHEREAS, Robert A. Niederpruem, Sr. Production Engineer, Wesley C. Dust, Executive Engineer and Paul H. Riester, Director of Administration recommend that the Authority waive its Purchasing Guidelines (Purchasing Guidelines Policies and Procedures Standard Monetary Guideline page 12) and acquire an additional unit, as specifications were awarded; and

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

WHEREAS, Due to the requirement of this second unit, and the successful bid since date of execution of contract, and the major cost differential it is recommended that the second unit is ordered at the same cost; and

WHEREAS, Gehring Pumps, Inc. has offered to deliver a second unit of BJM Model KZN150L at the existing price and extend all conditions equally;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority waives its Purchasing Guidelines (Purchasing Guidelines Policies and Procedures Standard Monetary Guideline) and acquire an agitator pump from Gehring Pumps, Inc. under Contract No. 09-12-04; and be it further

RESOLVED: That the Director of Administration is hereby authorized and directed to create a Purchase Order for the additional pump.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 4 - 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/USI Northeast (Property and Excess Property Coverage) has offered a twelve month extension of coverage at a cost of \$250,457.00; and

WHEREAS, Robert J. Lichtenthal, Jr., Deputy Director and Robert A. Mendez, Executive Director recommend accepting the above offer to extend coverage;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority extends the Property and Excess Property Coverage with Liberty Mutual/USI Northeast for a period of twelve months at a cost of \$250,457.00; and be it further

RESOLVED: That the Authority requests from Liberty Mutual/USI Northeast a twelve month extension of the Property and Excess Property Coverage, looking for price certainty and stability throughout this period.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

**ITEM 5 - AWARD OF CONTRACT TO NICHOLS, LONG & MOORE
CONSTRUCTION COPR. FOR THE EMERGENCY REPAIR CONTRACT
AUGUST 1, 2009 THROUGH JULY 31, 2011, PROJECT NO. 200900114 -
\$1,678,442.00**

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 3rd day of June, 2009, and in Business First on the 5th day of June, 2009, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for Emergency Repair Contract August 1, 2009 through July 31, 2011; and

WHEREAS, Sealed bids or proposals were opened in the office of the Authority on the 16th day of June, 2009, at 11:00 a.m., local time, and were as follows:

BIDDERS	AMOUNT
Nichols, Long & Moore Construction Corp.	\$1,678,442.00
Kandey Company, Inc.	2,139,290.00*

* Corrected Figure; and

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

WHEREAS, Robert Brown, Director of Equal Employment Opportunity, has advised that the low bidder, Nichols, Long & Moore Construction Corp. has complied with the Authority's Affirmative Action Requirements and recommends that they be allowed to proceed with their contract based on that fact; and

WHEREAS, Wesley C. Dust, P.E., Executive Engineer and Richard M. Rosenberry, Sr. Distribution Engineer have reviewed the specifications and bids and determined that Nichols, Long & Moore Construction Corp. 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 Nichols, Long & Moore Construction Corp. 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 Emergency Repair Contract August 1, 2009 through July 31, 2011 in the total amount of \$1,678,442.00; 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 - DAVID JUDA - LEAVE OF ABSENCE

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to grant David Juda a leave of absence from his permanent position of Meter Service Worker during his trainee period as Water Treatment Plant Operator Trainee effective July 27, 2009.

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 18-27 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 28 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. 2009-27 and 2009-28, 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, August 13, 2009.

Matthew J. Baudo
Secretary to the Authority

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