

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 350 Ellicott Square Building, Buffalo, New York, on the 13th day of August, 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
Ronald P. Bennett, Associate Attorney
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, July 16, 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 16, 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 1-16 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 2-22)**

ITEM 2 - FINAL ACCEPTANCE OF PROJECT WITH KANDEY COMPANY, INC. FOR LARGE SERVICES CONTRACT, FEBRUARY 1, 2007 THROUGH JANUARY 31, 2009, PROJECT NO. 200700002, CONTRACT NO. 07-03-01 - \$59,719.26

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore and on the 4th day of January, 2007, the Erie County Water Authority ("Authority") entered into a contract with Kandey Company, Inc. for large services contract, February 1, 2007 through January 31, 2009, identified as Contract No. 07-03-01; and

WHEREAS, Kandey Company, Inc. has submitted a final invoice in the amount of \$59,719.26; and

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

NOW, THEREFORE, BE IT RESOLVED:

That the above project is hereby accepted by the Authority as of the date hereof.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 3 - RATIFICATION OF THE INVESTMENT OF FUNDS FROM THE MANUFACTURERS & TRADERS TRUST COMPANY, DEBT SERVICE FUND WATER WORKS SYSTEM REVENUE REFUNDING BONDS, SERIES 1998A - \$50,064.17

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Susan Rinaldo, Cash Manager advised under date of July 21, 2009 that there was available on July 31, 2009 the following amounts in the Debt Service Fund Water Works System Revenue Refunding Bonds, Series 1998A:

Principal Account \$32,916.67
Interest Account \$17,147.50

and has recommended that the Manufacturers & Traders Trust Company, as Fiscal Agent, be authorized to invest from the Interest Account, in the amount of \$17,147.50 to mature in time for the December 15, 2009 Interest Payment at the highest yield to maturity to 1998A Bondholders and invest from the Principal Account in the amount of \$32,916.67 to mature in time for the December 15, 2009 Principal Payment at the highest yield to maturity to 1998A Bondholders; and

WHEREAS, Inasmuch as the Authority does not have adequate safekeeping facilities for the aforementioned securities, the Comptroller recommends that the Manufacturers & Traders Trust Company be authorized to maintain possession of the securities, in trust, for the Authority for safekeeping purposes;

NOW, THEREFORE, BE IT RESOLVED:

That the action of Karen A. Prendergast, Manager of Accounting Services, in authorizing the Manufacturers & Traders Trust Company to invest from the Interest Account in the amount of \$17,147.50 to mature in time for the December 15, 2009 Interest Payment at the highest yield to maturity to 1998A Bondholders and invest from the Principal Account in the amount of \$32,916.67 to mature in time for the December 15, 2009 Principal Payment at the highest yield to maturity to 1998A Bondholders, is hereby approved and ratified; and be it further

RESOLVED: That the Manufacturers & Traders Trust Company be and it hereby is authorized to retain possession of the securities, in trust, for the Authority until further direction by the Authority's Comptroller.

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

ITEM 4 - RATIFICATION OF THE INVESTMENT OF FUNDS FROM THE MANUFACTURERS & TRADERS TRUST COMPANY, DEBT SERVICE FUND WATER WORKS SYSTEM REVENUE REFUNDING BONDS, SERIES 1998B - \$111,688.64

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Susan Rinaldo, Cash Manager advised under date of July 21, 2009 that there was available on July 31, 2009 the following amounts in the Debt Service Fund Water Works System Revenue Refunding Bonds, Series 1998B:

Interest Account \$44,605.31
Principal Account \$67,083.33

and has recommended that the Manufacturers & Traders Trust Company, as Fiscal Agent, be authorized to invest from the Interest Account, in the amount of \$44,605.31 to mature in time for the October 15, 2009 and invest from the Principal Account in the amount of \$67,083.33 to mature in time for the October 15, 2009 Principal Payment at the highest yield to maturity to 1998B Bondholders; and

WHEREAS, Inasmuch as the Authority does not have adequate safekeeping facilities for the aforementioned securities, the Comptroller recommends that the Manufacturers & Traders Trust Company be authorized to maintain possession of the securities, in trust, for the Authority for safekeeping purposes;

NOW, THEREFORE, BE IT RESOLVED:

That the action of Karen A. Prendergast, Manager of Accounting Services, in authorizing the Manufacturers & Traders Trust Company to invest from the Interest Account in the amount of \$44,605.31 to mature in time for the October 15, 2009 and invest from the Principal Account in the amount of \$67,083.33 to mature in time for the October 15, 2009 Principal Payment at the highest yield to maturity to 1998B Bondholders, is hereby approved and ratified; and be it further

RESOLVED: That the Manufacturers & Traders Trust Company be and it hereby is authorized to retain possession of the securities, in trust, for the Authority until further direction by the Authority's Comptroller.

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

ITEM 5 - RATIFICATION OF THE INVESTMENT OF FUNDS FROM THE MANUFACTURERS & TRADERS TRUST COMPANY, DEBT SERVICE FUND WATER WORKS SYSTEM REVENUE REFUNDING BONDS, SERIES 2003F - \$91,376.12

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Susan Rinaldo, Cash Manager advised under date of July 21, 2009 that there was available on July 31, 2009 the following amounts in the Debt Service Fund Water Works System Revenue Refunding Bonds, Series 2003F:

Interest Account \$38,459.45
Principal Account \$52,916.67

and has recommended that the Manufacturers & Traders Trust Company, as Fiscal Agent, be authorized to invest from the Interest Account, in the amount of \$38,459.45 to mature in time for the January 15, 2010 Interest Payment at the highest yield to maturity to 2003F Bondholders and to invest from the Principal Account in the amount of \$52,916.67 to mature in time for the July 15, 2010 Principal Payment at the highest yield to maturity to 2003F Bondholders; and

WHEREAS, Inasmuch as the Authority does not have adequate safekeeping facilities for the aforementioned securities, the Comptroller recommends that the Manufacturers & Traders Trust Company be authorized to maintain possession of the securities, in trust, for the Authority for safekeeping purposes;

NOW, THEREFORE, BE IT RESOLVED:

That the action of Karen A. Prendergast, Manager of Accounting Services, in authorizing the Manufacturers & Traders Trust Company to invest from the Interest Account in the amount of \$38,459.45 to mature in time for the January 15, 2010 Interest Payment at the highest yield to maturity to 2003F Bondholders and to invest from the Principal Account in the amount of \$52,916.67 to mature in time for the July 15, 2010 Principal Payment at the highest yield to maturity to 2003F Bondholders, is hereby approved and ratified; and be it further

RESOLVED: That the Manufacturers & Traders Trust Company be and it hereby is authorized to retain possession of the securities, in trust, for the Authority until further direction by the Authority's Comptroller.

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

ITEM 6 - RATIFICATION OF THE INVESTMENT OF FUNDS FROM THE MANUFACTURERS & TRADERS TRUST COMPANY, DEBT SERVICE FUND WATER WORKS SYSTEM REVENUE REFUNDING BONDS, SERIES 2007 - \$188,046.98

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Susan Rinaldo, Cash Manager advised under date of July 21, 2009 that there was available on July 24, 2009 the following amounts in the Debt Service Fund Water Works System Revenue Refunding Bonds, Series 2007:

Interest Account \$135,130.31
Principal Account \$ 52,916.67

and has recommended that the Manufacturers & Traders Trust Company, as Fiscal Agent, be authorized to invest from the Interest Account, in the amount of \$135,130.31 to mature in time for the December 1, 2009 Interest Payment at the highest yield to maturity to 2007 Bondholders and invest from the Principal Account in the amount of \$52,916.67 to mature in time for the December 1, 2009 Principal Payment at the highest yield to maturity to 2007 Bondholders; and

WHEREAS, Inasmuch as the Authority does not have adequate safekeeping facilities for the aforementioned securities, the Comptroller recommends that the Manufacturers & Traders Trust Company be authorized to maintain possession of the securities, in trust, for the Authority for safekeeping purposes;

NOW, THEREFORE, BE IT RESOLVED:

That the action of Karen A. Prendergast, Manager of Accounting Services, in authorizing the Manufacturers & Traders Trust Company to invest from the Interest Account in the amount of \$135,130.31 to mature in time for the December 1, 2009 Interest Payment at the highest yield to maturity to 2007 Bondholders and invest from the Principal Account in the amount of \$52,916.67 to mature in time for the December 1, 2009 Principal Payment at the highest yield to maturity to 2007 Bondholders, is hereby approved and ratified; and be it further

RESOLVED: That the Manufacturers & Traders Trust Company be and it hereby is authorized to retain possession of the securities, in trust, for the Authority until further direction by the Authority's Comptroller.

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

ITEM 7 - RATIFICATION OF THE INVESTMENT OF FUNDS FROM THE MANUFACTURERS & TRADERS TRUST COMPANY, DEBT SERVICE FUND WATER WORKS SYSTEM REVENUE REFUNDING BONDS, SERIES 2008 - \$493,750.00

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Susan Rinaldo, Cash Manager advised under date of July 21, 2009 that there was available on July 24, 2009 the following amounts in the Debt Service Fund Water Works System Revenue Refunding Bonds, Series 2008:

Interest Account	\$180,833.33
Principal Account	\$312,916.67

and has recommended that the Manufacturers & Traders Trust Company, as Fiscal Agent, be authorized to invest from the Interest Account, in the amount of \$180,833.33 to mature in time for the December 1, 2009 Interest Payment at the highest yield to maturity to 2008 Bondholders and invest from the Principal Account in the amount of \$312,916.67 to mature in time for the December 1, 2009 Principal Payment at the highest yield to maturity to 2008 Bondholders; and

WHEREAS, Inasmuch as the Authority does not have adequate safekeeping facilities for the aforementioned securities, the Comptroller recommends that the Manufacturers & Traders Trust Company be authorized to maintain possession of the securities, in trust, for the Authority for safekeeping purposes;

NOW, THEREFORE, BE IT RESOLVED:

That the action of Karen A. Prendergast, Manager of Accounting Services, in authorizing the Manufacturers & Traders Trust Company to invest from the Interest Account in the amount of \$180,833.35 to mature in time for the December 1, 2009 Interest Payment at the highest yield to maturity to 2008 Bondholders and invest from the Principal Account in the amount of \$312,916.67 to mature in time for the December 1, 2009 Principal Payment at the highest yield to maturity to 2008 Bondholders, is hereby approved and ratified; and be it further

RESOLVED: That the Manufacturers & Traders Trust Company be and it hereby is authorized to retain possession of the securities, in trust, for the Authority until further direction by the Authority's Comptroller.

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

ITEM 8 - AUTHORIZATION TO PARTICIPATE IN LABOR-MANAGEMENT HEALTHCARE FUND FOR DENTAL INSURANCE

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Labor-Management Healthcare Fund (“LMHF”) contracts with Group Health Incorporated (“GHI”) in an administrative services only, self-funded dental plan on behalf of the following members: Erie County, Erie County Medical Center Corporation and Erie Community College; and

WHEREAS, The Erie County Water Authority (“Authority”) currently has a premium equivalent arrangement directly with GHI; and

WHEREAS, The Authority has been approved to participate in the LMHF’s administrative services agreement with GHI effective August 1, 2009; and

WHEREAS, The Authority has a contract with LMHF for health insurance administration that has proved extremely successful;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority approves an amendment to its membership agreement with LMHF to include ECWA as a participant in its Dental Administrative Service Agreement with GHI.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 9 - AUTHORIZATION TO TERMINATE THE INSTITUTIONAL CUSTODY SERVICES AGREEMENTS WITH MANUFACTURERS & TRADERS TRUST CO. AND CLOSE THE EXTENSION & IMPROVEMENT ACCOUNT, SICK PAY & PENSION RESERVES ACCOUNT AND THE OPERATING & MAINTENANCE ACCOUNT

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore and on the 27th day of April, 1993 the Erie County Water Authority (Authority) entered into an Institutional Custodial Management Account Agreement with Manufacturers & Traders Trust Co. (M&T) for the Extension & Improvement Account; and

WHEREAS, Heretofore and on the 3rd day of March 2000 the Authority entered into an Institutional Custody Services Agreement with M&T for the Operating & Maintenance Account and the Sick Pay & Pension Reserves Account; and

WHEREAS, The Agreements state that the either the Authority or M&T can terminate the Agreement by 30 days' prior written notice to the other; and

WHEREAS, Robert J. Lichtenthal, Jr., Deputy Director advised that the above accounts have not been used this year and are redundant and therefore deems it in the best interest of the Authority to terminate the Agreement with M&T and close the above accounts; and

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

NOW, THEREFORE, BE IT RESOLVED:

That the Authority hereby terminates the Institutional Custodial Management Account Agreement dated April 27, 1993 with M&T and the Institutional Custody Services Agreement dated March 3, 2000 with M&T; and be it further

RESOLVED: That the Authority is hereby authorized to closed the following accounts: Operating & Maintenance Account, Sick Pay & Pension Reserves Account and Extension & Improvement Accounts.

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

ITEM 10 - AUTHORIZATION TO SOLICIT REQUEST FOR PROPOSALS TO PROVIDE AUDIT AND ACCOUNTING SERVICES FOR EACH OF ITS FISCAL YEARS ENDING DECEMBER 31, 2009, 2010 AND 2011, PROJECT NO. 200900196

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Pursuant to Article V, Title 3, Section 1053 of the Public Authorities Law, the Erie County Water Authority ("Authority") has the authority to contract for expert professional services; and

WHEREAS, Article III, Section 6 of the Authority's By-Laws grants to the Authority the right to contract for expert professional services; and

WHEREAS, The Authority deems it necessary to issue a Request for Proposal ("RFP") to qualified firms to provide audit and accounting services for each of its fiscal years ending December 31, 2009, 2010 and 2011; and

WHEREAS, The proposals received by the Authority will be evaluated in accordance with the terms of the RFP, and a professional services contract will be negotiated and executed with the successful offerer; and

WHEREAS, The RFP for audit and accounting services for each of its fiscal years ending December 31, 2009, 2010 and 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, Matthew J. Baudo, Secretary to the Authority, will be the designated contact person for the RFP with the adoption of this resolution;

NOW, THEREFORE BE IT RESOLVED:

The Authority is hereby authorized to issue a RFP to qualified firms to provide audit and accounting services for each of its fiscal years ending December 31, 2009, 2010 and 2011.

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

**ITEM 11 - AWARD OF CONTRACT TO CUSTOM TOPSOIL, INC. FOR 2009
PAVEMENT REPLACEMENT PROJECT, ERIE COUNTY WATER
AUTHORITY SERVICE CENTER, ERIE COUNTY, NEW YORK, PROJECT
NO. 200900113 - \$70,985.00**

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 1st day of July, 2009, and in Business First on the 3rd day of July, 2009, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for 2009 Pavement Replacement Project, Erie County Water Authority Service Center, Erie County, New York; and

WHEREAS, Sealed bids or proposals were opened in the office of the Authority on the 21st day of July, 2009, at 11:00 a.m., local time, and were as follows:

BIDDERS	AMOUNT
Custom Topsoil, Inc.	\$70,985.00
Tom Greenauer Development, Inc.	78,425.00
E&R General Construction, Inc.	78,880.00
Amherst Paving, Inc.	79,870.00
Northeast Diversification, Inc.	80,000.00
Occhino Corp.	82,990.00
Anastasi Trucking, Inc.	85,609.45; 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 Custom Topsoil, Inc. proceed with their contract; 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 Custom Topsoil, 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 Custom Topsoil, 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 2009 Pavement Replacement Project, Erie County Water Authority Service Center, Erie County, New York in the total amount of \$70,985.00; 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 12 - APPROVAL OF CHANGE ORDER NO. 1 OF JCI JONES CHEMICALS, INC. FOR THE FURNISHING AND DELIVERING OF CAUSTIC SODA (50% SOLUTION) TO THE ERIE COUNTY WATER AUTHORITY FOR USE IN THE TREATMENT OF WATER FOR ONE YEAR FROM NOVEMBER 1, 2008 THROUGH OCTOBER 31, 2009, PROJECT NO. 200800371, CONTRACT NO. 08-23-11 - \$316,285.00

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore and on the 16th day of October, 2008, the Erie County Water Authority ("Authority") entered into a contract with JCI Jones Chemicals, Inc. for the furnishing and delivering of Caustic Soda (50% Solution) to the Erie County Water Authority for use in the treatment of water for one year from November 1, 2008 through October 31, 2009, identified as Contract No. 08-23-11; and

WHEREAS, Paragraph No. 15 (Grounds for Renewal of Contract) of said contract states that if the Authority and Supplier mutually agree to continue the contract after the 31st day of October 2009, it shall be extended for the term of one year on the same terms and conditions; and

WHEREAS, JCI Jones Chemicals, Inc. submitted a letter dated July 22, 2009 requesting the contract be extended for a term of one year under the same terms and conditions; and

WHEREAS, Said contractor has submitted Change Order No. 1 in the sum of \$316,285.00 to extend the contract for one year; and

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

NOW, THEREFORE, BE IT RESOLVED:

That Change Order No. 1 of JCI Jones Chemicals, Inc. in the amount of \$316,285.00 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 Change Order No. 1 on behalf of the Authority.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 13 - APPROVAL OF CHANGE ORDER NO. 1 OF STC CONSTRUCTION, INC. FOR CONTRACT NO. MP-73, STURGEON POINT WATER TREATMENT PLANT COAGULATION BASIN UPGRADES, PROJECT NO. 200700016, CONTRACT NO. 08-01-01 - \$26,978.38

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore and on the 24th day of January, 2008, the Erie County Water Authority ("Authority") entered into a contract with STC Construction, Inc. for Contract No. MP-73, Sturgeon Point Water Treatment Plant Coagulation Basin Upgrades, identified as Contract No. 08-01-01; and

WHEREAS, Said contractor has submitted Change Order No. 1 in the sum of \$26,978.38 to provide for the following changes:

1. Concrete mix design modifications.
2. Electrical and instrumentation modifications.
3. Mechanical modifications.
4. Structural modifications.
5. Control system and programming modifications.
6. Reduce value of Line Item No. 12, Contingency Allowance for Miscellaneous Repair Work from Contract.
7. Contract provisions modification to change contract times for Milestone No. 6.
8. Contract provisions modification, Section 00500, Article 6.02.1; and

WHEREAS, The reasons for the above changes are as follows:

1. Modifications to the concrete mix designs were made at a savings to Owner, while maintaining the original intent of design.
2. Electrical and instrumentation improvements were necessary to facilitate the operation of equipment.
3. Mechanical revisions were necessary as a result of conditions encountered during the course of construction.

4. Structural revisions and improvements were necessary as a result of conditions encountered during the course of construction.
5. New SCADA work was added to the original scope of the project to allow Owner's personnel to optimize sludge collection equipment (Parkson SuperScraper) operation.
6. The Contingency Allowance in the contract is reduced from \$200,000 to \$0 to compensate for the changes.
7. Acceleration of schedule will allow completion of all construction before the peak 2010 season.
8. The contract is a multi-year duration and does not provide provisions for a partial return of retention; and

WHEREAS, Malcolm Pirnie, Inc., Consulting Engineer, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend approval of said Change Order No. 1;

NOW, THEREFORE, BE IT RESOLVED:

That Change Order No. 1 of STC Construction, Inc. in the amount of \$26,978.38 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 Change Order No. 1 on behalf of the Authority.

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

ITEM 14 - APPROVAL OF CHANGE ORDER NO. 1 OF ANTHRAFILTER (US), INC. FOR THE REPLACEMENT OF ANTHRACITE MEDIA AT THE STURGEON POINT WATER TREATMENT PLANT, PROJECT NO. 200800486, IDENTIFIED AS CONTRACT NO. 09-11-04 - \$11,245.71

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore and on the 24th day of April, 2009, the Erie County Water Authority ("Authority") entered into a contract with Anthrafilter (US), Inc. for the replacement of anthracite media at the Sturgeon Point Water Treatment Plant, identified as Contract No. 09-11-04; and

WHEREAS, Said contractor has submitted Change Order No. 1 in the sum of \$11,245.71 to supply and install additional Media to complete the project; and

WHEREAS, The reason for said change is due to the timing of the contract, changes in the depth of the existing media was found and additional media was lost from the time the contract went to bid until the installation began; and

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

NOW, THEREFORE, BE IT RESOLVED:

That Change Order No. 1 of Anthrafilter (US), Inc. in the amount of \$11,245.71 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 Change Order No. 1 on behalf of the Authority.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 15 - 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:

Replace existing valve at 25 Kaufman Road, Town of Cheektowaga with a new resilient seat valve on 4/17/09. Work done by ECWA forces under Work Authorization No. 107.200 5859.

Old valve originally installed in 1927 was scrapped and retired under Retirement Authorization No. R90016.

Replace existing hydrant at 4232 Susan Drive, Town of Clarence with a new clow hydrant on 6/17/09. Work done by ECWA forces under Work Authorization No. 107.200 5865.

Old hydrant originally installed pre 1999 was scrapped and retired under Retirement Authorization No. R90020.

Replace existing hydrant at 4282 Susan Drive, Town of Clarence with a new clog hydrant on 6/23/09. Work done by ECWA forces under Work Authorization No. 107.200 5871.

Old hydrant originally installed pre 1999 was scrapped and retired under Retirement Authorization No. R90021.

Replace existing hydrant at opposite 457 Mineral Springs Road, Town of West Seneca with a new clog hydrant on 5/28/09. Work done by ECWA forces under Work Authorization No. 107.200 5864.

Old hydrant originally installed pre 1999 was scrapped and retired under Retirement Authorization No. R90019.

Install new resilient seat valve at 127 Southwest Parkway, Village of Lancaster on 5/19/09. Work done by ECWA forces under Work Authorization No. 107.200 5863.

Install new valve at corner of Southwestern Blvd. and Angle Road, Town of Orchard Park on 6/18/09. Work done by ECWA forces under Work Authorization No. 107.200 5866.

Install new valve at 2799 Southwestern Blvd., Town of Orchard Park on 6/18/09. Work done by ECWA forces under Work Authorization No. 107.200 5867.

Install new resilient seat valve at corner of Lorraine Lane and George Urban Blvd., Town of Cheektowaga on 5/19/09. Work done by ECWA forces under Work Authorization No. 107.200 5858; 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 16 - AUTHORIZATION TO REFUND SERVICE CONNECTION FEE TO
GENESEE TRANSIT HOLDINGS VII, LLC - \$2,400.00**

08/13/09

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, On the 27th day of December, 2007, Genesee Transit Holdings VII, LLC applied for a 1 1/2 -inch service to 5100 Genesee Street, Town of Cheektowaga, 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 planned development has been terminated; and

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

NOW, THEREFORE, BE IT RESOLVED:

That the Comptroller be and he hereby is authorized and directed to refund \$2,400.00 to Genesee Transit Holdings VII, LLC.

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

ITEM 17 - AUTHORIZATION TO REFUND SERVICE CONNECTION FEE TO JEAN JABLONSKI - \$1,400.00

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, On the 13th day of June, 2009 applied for a ¾ inch service to 1346 Luther Road, Town of Aurora, New York and deposited with the Erie County Water Authority ("Authority") the sum of \$1,400.00; and

WHEREAS, Donna Spencer, Customer Service Representative, has advised that the customer has decided to wait on the service until construction commences; and

WHEREAS, Albert J. Meaney, Comptroller, recommends that the Authority refund the \$1,400.00 deposit of Jean Jablonski; and

NOW, THEREFORE, BE IT RESOLVED:

That the Comptroller be and he hereby is authorized and directed to refund \$1,400.00 to Jean Jablonski.

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

ITEM 18 - REFUND FOR NEW SERVICE INSTALLATIONS - \$10,693.93

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Erie County Water Authority ("Authority") has installed new services identified on its records by OWIP numbers; and

WHEREAS, Said new services have been completed and the actual cost thereof ascertained; and

WHEREAS, The entire actual cost thereof is less than the estimated cost of the new services; and

WHEREAS, Albert J. Meaney, Comptroller, under the date of July 13, 2009, has recommended that the refunds as set forth on attached Schedule "A" be made;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority repay the difference between the estimated cost of said new services and the entire actual costs thereof to the parties and in the amounts hereinafter set forth on attached Schedule "A".

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

ITEM 19 - 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 (the "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 additional work was authorized for Contract MP-75, Capital Budget Item 100319, concerning the Texas and Lang Interconnection with the City of Buffalo; and

WHEREAS, In order to fund this additional work, it will be necessary to transfer \$180,000 from unused, and not expected to be used, funds from other Capital Budget items as follows:

<u>Unit No</u>	<u>Capital No.</u>	<u>Description</u>	<u>Increase</u>	<u>Decrease</u>
2515	100319	Contract MP-75	<u>\$ 180,000</u>	
2520	100625	Contract NC-32B		\$ 130,000
2595	100629	Emergency Interconnection Study		<u>\$ 50,000</u>
Totals			\$180,000	\$180,000

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 20 - 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 17-23 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 21 - 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 24 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 22 - SERVICE CONNECTION WORK ORDER LIST:

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve Service Connection Work Order Nos. 2009-29, 2009-30, 2009-31 and 2009-31, 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 27, 2009.

Matthew J. Baudo
Secretary to the Authority

PF

08/13/09