

**MINUTES** of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 350 Ellicott Square Building, Buffalo, New York, on the 17th day of September, 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**  
**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, September 3, 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, September 3, 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 \$1,800.00 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 1-15 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 3-12)**

**ITEM 3 - FINAL ACCEPTANCE OF PROJECT WITH MOLLENBERG-BETZ, INC. FOR HEATING, VENTILATING & AIR CONDITIONING SERVICE AND PREVENTATIVE MAINTENANCE WORK WITHIN THE ERIE COUNTY'S FACILITIES, PROJECT NO. 200600081, CONTRACT NO. 06-13-06 - \$20,841.29**

Motion by Mr. Warthling seconded by Mrs. Vacco

**WHEREAS**, Heretofore and on the 8th day of June, 2006, the Erie County Water Authority ("Authority") entered into a contract with Mollenberg-Betz, Inc. for 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, 2006 through June 30, 2008, identified as Contract No. 06-13-06; and

**WHEREAS**, Heretofore and on the 8<sup>th</sup> day of May, 2008 the Authority authorized a one year extension of the contract; and

**WHEREAS**, Mollenberg-Betz, Inc. has submitted a final invoice in the amount of \$20,841.29; 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 4 - FINAL ACCEPTANCE OF PROJECT WITH 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 - \$5,255.51**

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**, Anthrafilter (US), Inc. has submitted a final invoice in the amount of \$5,255.51; 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 5 - AUTHORIZATION TO EXECUTE GENERAL RELEASE IN CONNECTION WITH COST OF RELOCATING MUNICIPALLY OWNED FACILITIES MAINTAINED FOR PUBLIC USE (SUBDIVISION 24, SECTION 10, OF THE HIGHWAY LAW) FOR HAMBURG VILLAGE, SH 862, MAIN STREET VILLAGE, SH 9413, BUFFALO STREET VILLAGE, SH 9414, BUFFALO, SH 2 U.S. ROUTE 62 FROM LAKE STREET TO LEGION DRIVE, NY ROUTE 391 FROM BUFFALO STREET TO EAST VILLAGE LINE VILLAGE OF HAMBURG, ERIE COUNTY, PROJECT NO. 200500309, IDENTIFIED AS PIN NO. 5308.03 - \$13,261.93**

Motion by Mr. Warthling seconded by Mrs. Vacco

**WHEREAS**, By resolution identified as Item No. 15 of the Minutes of the Meeting of October 5, 2006, the Erie County Water Authority ("Authority"), a public benefit corporation in the County of Erie and State of New York, entered into a Preliminary Utility Work Agreement with the New York State Department of Transportation ("NYSDOT") acting by and through Adele , Main Office Utilities Engineer for the Commissioner of Transportation, for the Hamburg Village, SH 862, Main Street Village, SH 9413, Buffalo Street Village, SH 9414, Buffalo, SH 2 U.S. Route 62 from Lake Street to Legion Drive, NY Route 391 from Buffalo Street to East Village Line Village of Hamburg, Erie County, identified as PIN No. 5308.03; and

**WHEREAS**, By resolution identified as Item No. 3 of the Minutes of the Meeting of February 21, 2007, the Authority entered into an Agreement in Connection with Cost of Relocating Municipally Owned Facilities Maintained for Public Use (Subdivision 24, Section 10 of the Highway Law) in an amount not to exceed \$34,509.00; and

**WHEREAS**, All the work under said Agreements has been performed by the employment of the forces and the use of the equipment of the Authority or by contract between the Authority and others and accepted by the State of New York; and

**WHEREAS**, The NYSDOT under date of August 6, 2009, submitted a Utility Field Audit Report for costs incurred in the relocation of the Authority's facilities in the adjusted amount of \$13,261.93 and has requested the execution of a General Release in said amount; and

**WHEREAS**, Wesley C. Dust, P.E., Executive Engineer and Albert J. Meaney, Comptroller have verified the Summary of Costs and recommended executing the General Release in the adjusted amount of \$13,261.93;

**NOW, THEREFORE, BE IT RESOLVED:**

That the Authority hereby authorizes the Chairman to execute a General Release to the State of New York in consideration of the sum of \$13,261.93 to it previously paid in part, the balance of which is to be duly paid by the State of New York, the receipt whereof is to be confessed and acknowledged and which sum is in complete and full reimbursement for the work performed by the said Authority, which does for itself, its successors and assigns, in all things give full release and discharges the said State of New York, its officers, agents and employees, from all claims, demands and liabilities of every kind and nature, legal or equitable, occasioned by or arising out of the work performed by the Authority under said Agreement; and be it further

**RESOLVED:** That the Secretary be and he hereby is authorized to forward the original and three copies of the executed General Release to Richard Lunz, Regional Utilities Engineer, New York State Department of Transportation, 100 Seneca Street, Buffalo, New York, 14203.

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

**ITEM 6 - AUTHORIZATION TO EXECUTE GENERAL RELEASE IN CONNECTION WITH COST OF RELOCATING MUNICIPALLY OWNED FACILITIES MAINTAINED FOR PUBLIC USE (SUBDIVISION 24, SECTION 10, OF THE HIGHWAY LAW) FOR SH 9381 HARLEM ROAD, NY ROUTE 240, GENESEE STREET TO YORKTOWN ROAD, HIGHWAY RECONSTRUCTION, TOWNS OF CHEEKTOWAGA AND AMHERST, PROJECT NO. 200100030, IDENTIFIED AS PIN NO. 5268.32 - \$18,670.43**

Motion by Mr. Warthling seconded by Mrs. Vacco

**WHEREAS**, By resolution identified as Item No. 10 of the Minutes of the Meeting of May 25, 2006, the Erie County Water Authority ("Authority"), a public benefit corporation in the County of Erie and State of New York, entered into a Preliminary Utility Work Agreement with the New York State Department of Transportation ("NYSDOT") acting by and through Adele Cannarozzo, Main Office Utilities Engineer for the Commissioner of Transportation, for the SH 9381 Harlem Road, NY Route 240, Genesee Street to Yorktown Road, Highway Reconstruction, Towns of Cheektowaga and Amherst, identified as PIN No. 5268.32 at an amount not to exceed \$31,969.00; and

**WHEREAS**, By resolution identified as Item No. 3 of the Minutes of the Meeting of February 12, 2009, the Authority entered into an Agreement in Connection with Cost of Relocating Municipally Owned Facilities Maintained for Public Use (Subdivision 24, Section 10 of the Highway Law) in an amount not to exceed \$18,670.43; and

**WHEREAS**, All the work under said Agreements has been performed by the employment of the forces and the use of the equipment of the Authority or by contract between the Authority and others and accepted by the State of New York; and

**WHEREAS**, The NYSDOT under date of August 6, 2009, submitted a Utility Field Audit Report for costs incurred in the relocation of the Authority's facilities in the adjusted amount of \$18,670.43 and has requested the execution of a General Release in said amount; and

**WHEREAS**, Wesley C. Dust, P.E., Executive Engineer and Albert J. Meaney, Comptroller have verified the Summary of Costs and recommended executing the General Release in the adjusted amount of \$18,670.43;

**NOW, THEREFORE, BE IT RESOLVED:**

That the Authority hereby authorizes the Chairman to execute a General Release to the State of New York in consideration of the sum of \$18,670.43 to it previously paid in part, the balance of which is to be duly paid by the State of New York, the receipt whereof is to be confessed and acknowledged and which sum is in complete and full reimbursement for the work performed by the said Authority, which does for itself, its successors and assigns, in all things give full release and discharges the said State of New York, its officers, agents and employees, from all claims, demands and liabilities of every kind and nature, legal or equitable, occasioned by or arising out of the work performed by the Authority under said Agreement; and be it further

**RESOLVED:** That the Secretary be and he hereby is authorized to forward the original and three copies of the executed General Release to Richard Lunz, Regional Utilities Engineer, New York State Department of Transportation, 100 Seneca Street, Buffalo, New York, 14203.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

**ITEM 7 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR WATERMAIN MATERIALS PURCHASE CONTRACT JANUARY 1, 2010 TO DECEMBER 31, 2011, PROJECT NO. 201000001**

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 watermain materials purchase contract January 1, 2010 to December 31, 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 watermain materials purchase contract January 1, 2010 to December 31, 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**, 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 watermain materials purchase contract January 1, 2010 to December 31, 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 8 - 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 hydrant at opposite 7200 Transit Road, Town of Clarence with a new 5' Bury Clow hydrant on 8/28/09. Work done by ECWA forces under Work Authorization No. 107.200 5890.

Old Mueller Centurion hydrant originally installed was scrapped and retired under Retirement Authorization No. R90038.

Replace existing hydrant at 4170 Cameron Drive, Town of Clarence with a Clow hydrant on 8/14/09. Work done by ECWA forces under Work Authorization No. 107.200 5885.

Old hydrant originally installed was scrapped and retired under Retirement Authorization No. R90034.

Replace existing hydrant at 4990 Glenwood Drive, Town of Clarence with a Clow hydrant on 8/11/09. Work done by ECWA forces under Work Authorization No. 107.200 5884.

Old hydrant originally installed was scrapped and retired under Retirement Authorization No. R90033.

Replace existing hydrant at 5105 Ledge Lane, Town of Clarence with a new Clow



hydrant on 8/03/09. Work done by ECWA forces under Work Authorization No. 107.200 5880.

Old hydrant originally installed was scrapped and retired under Retirement Authorization No. R90030.

Replace existing hydrant at corner of Dodge Road and Gibson Street, City of Tonawanda with a new Clow hydrant on 8/10/09. Work done by ECWA forces under Work Authorization No. 107.200 5883.

Old Mueller Centurion hydrant originally installed was scrapped and retired under Retirement Authorization No. R90032.

Replace existing valve at 35 Milnor Avenue, City of Lackawanna with a resilient seat valve on 8/4/09. Work done by ECWA forces under Work Authorization No. 107.200 5881.

Old valve originally installed was scrapped and retired in 1911 under Retirement Authorization No. R90031.

Removed existing valve at corner of Liberty St. and Warsaw St, Village of Depew on 7/20/09. Work done by ECWA forces under Work Authorization No. 107.200 5877.

Old gate valve originally installed in 1926 was scrapped and retired under Retirement Authorization No. R90027; 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 9 - REFUND FOR NEW SERVICE INSTALLATIONS - \$15,026.92**

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 September 17, 2009, has recommended that the following refunds as set forth on attached Schedule "A";

**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 10 - AUTHORIZATION FOR JACK HANLEY, MANAGER OF DATA PROCESSING TO ATTEND THE CHICAGO CYBER SECURITY TRAINING WORKSHOP IN CHICAGO, ILLINOIS**

Motion by Mr. Warthling seconded by Mrs. Vacco

**WHEREAS**, The Erie County Water Authority deems it advisable for Jack Hanley, Manager of Data Processing to attend the Chicago Cyber Security Training Workshop in Chicago, IL at a total estimated cost of \$1,000;

**NOW, THEREFORE, BE IT RESOLVED:**

That Jack Hanley, Manager of Data Processing be and he is hereby authorized to travel to Chicago, IL from October 14, 2009 to October 15, 2009 to attend the Chicago Cyber Security Training Workshop at a total estimated cost of \$1,000.

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 16-22 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 - SERVICE CONNECTION WORK ORDER LIST:**

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve Service Connection Work Order Nos. 2009-36 and 2009-37, 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, October 1, 2009.

Matthew J. Baudo  
Secretary to the Authority

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