

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 350 Ellicott Square Building, Buffalo, New York, on the 1st day of October, 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 Bray, Public Affairs Officer

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, September 17, 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 17, 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 \$19,400.00 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 1-14 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 3-19)

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 September 21, 2009 that there was available on October 1, 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 - \$112,220.66

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Susan Rinaldo, Cash Manager advised under date of September 21, 2009 that there was available on October 1, 2009 the following amounts in the Debt Service Fund Water Works System Revenue Refunding Bonds, Series 1998B:

Interest Account \$43,053.99
Principal Account \$67,083.37

and has recommended that the Manufacturers & Traders Trust Company, as Fiscal Agent, be authorized to invest from the Interest Account, in the amount of \$22,302.66 to mature in time for the October 15, 2009 and invest from the Interest Account, in the amount of \$20,751.33 to mature in time for the April 15, 2010 and invest from the Principal Account in the amount of \$67,083.37 to mature in time for the October 15, 2010 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 \$22,302.66 to mature in time for the October 15, 2009 and invest from the Interest Account, in the amount of \$20,751.33 to mature in time for the April 15, 2010 and invest from the Principal Account in the amount of \$67,083.37 to mature in time for the October 15, 2010 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 September 21, 2009 that there was available on October 1, 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 September 21, 2009 that there was available on September 25, 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 September 21, 2009 that there was available on September 25, 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 \$180,833.33 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, 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 - ERIE COUNTY WATER AUTHORITY LOCAL GOVERNMENT
EFFICIENCY GRANT RESOLUTION FOR WATER DISTRICT
CONSOLIDATION WITH THE VILLAGE OF HAMBURG**

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Erie County Water Authority (Authority) fully supports inter-municipal initiatives to enhance services and reduce costs; and

WHEREAS, The Authority, in collaboration with the Village of Hamburg (Village), seek grant monies in the amount of \$50,000, for the purposes of a High Priority Planning grant that will examine the potential benefits and costs to the Village and the Authority by converting to direct service; and

WHEREAS, The Authority in collaboration with the Village will support a feasibility study that examines the possible efficiencies, benefits and costs of an Authority takeover of water service within the Village as a direct service provider, thereby potentially eliminating all future involvement and responsibility of the Village with respect to water system facilities within the Village except for the payment of certain hydrant fees; and

WHEREAS, The Authority has certain water system standards that the Village must comply with prior to becoming a direct service customer, and such standards may require improvements to the Village's current water system which the Village must identify and determine the financial impact of; and

WHEREAS, The Village will submit an application entitled the "Village of Hamburg and Erie County Water Authority Water Consolidation Study" that will include a detailed feasibility study to determine the viability of consolidating the Village water system into the Authority's County wide system as a direct service customer for benefit of the ratepayers; and

WHEREAS, The Village will serve as "Lead Agency" for purposes of securing and administering this High Priority Planning Grant; and

WHEREAS, The Authority and the Village will work cooperatively to share all necessary information in a timely manner to facilitate this grant application and feasibility; and

WHEREAS, the Village will provide all matching funds required to complete this project, inclusive of the required local match of 10 percent (\$5,555), and there will be no cost to the Authority,

NOW, THEREFORE, BE IT RESOLVED:

That Robert A. Mendez, Executive Director, on behalf of the Authority, is hereby authorized and directed to support an application filed by the Village on the Authority's behalf to the 2009-2010 Local Government Efficiency Grant Program to obtain financial assistance for a detailed feasibility study to determine the viability of consolidating the Village water system into the Authorities county wide system.

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

**ITEM 9 - ERIE COUNTY WATER AUTHORITY LOCAL GOVERNMENT
EFFICIENCY GRANT RESOLUTION FOR WATER DISTRICT
CONSOLIDATION WITH THE TOWN OF EDEN**

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Erie County Water Authority (Authority) fully supports inter-municipal initiatives to enhance services and reduce costs; and

WHEREAS, The Authority, in collaboration with the Town of Eden (Town), seek grant monies in the amount of \$50,000, for the purposes of a High Priority Planning grant that will examine the potential benefits and costs to the Town and the Authority by converting to direct service; and

WHEREAS, The Authority in collaboration with the Town will support a feasibility study that examines the possible efficiencies, benefits and costs of an Authority takeover of water service within the Town as a direct service provider, thereby potentially eliminating all future involvement and responsibility of the Town with respect to water system facilities within the Town except for the payment of certain hydrant fees; and

WHEREAS, The Authority has certain water system standards that the Town must comply with prior to becoming a direct service customer, and such standards may require improvements to the Towns current water system which the Town must identify and determine the financial impact of; and

WHEREAS, The Town will submit an application entitled the "Town of Eden and Erie County Water Authority Water Consolidation Study" that will include a detailed feasibility study to determine the viability of consolidating the Town water system into the Authorities county wide system as a direct service customer for benefit of the ratepayers; and

WHEREAS, The Town will serve as "Lead Agency" for purposes of securing and administering this High Priority Planning Grant; and

WHEREAS, The Authority will work cooperatively with the Town to share all necessary information in a timely manner to facilitate this grant application and feasibility; and

WHEREAS, The Town will provide all matching funds required to complete this project, inclusive of the required local match of 10 percent (\$5,555), and there will be no cost to the Authority,

NOW, THEREFORE, BE IT RESOLVED:

That Robert A. Mendez, Executive Director, on behalf of the Authority, is hereby authorized and directed to support an application filed by the Town on the Authority's behalf to the 2009-2010 Local Government Efficiency Grant Program to obtain financial assistance for a detailed feasibility study to determine the viability of consolidating the Town water system into the Authorities county wide system.

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

ITEM 10 - AUTHORIZATION TO EXECUTE PRELIMINARY UTILITY WORK AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR US 62, NIAGARA FALLS BOULEVARD, SH 5172, ROMNEY/GLENALBY ROADS TO I-290, YOUNGMANN EXPRESSWAY, TOWNS OF TONAWANDA AND AMHERST, PROJECT NO. 200800332, IDENTIFIED AS PIN NO. 5308.08

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Wesley C. Dust, P.E., Executive Engineer, has advised that the New York State Department of Transportation ("NYSDOT") has submitted forms for Preliminary Utility Work Agreement for work to be performed on Authority facilities due to the project described as US 62, Niagara Falls Boulevard, SH 5172, Romney/Glenalby Roads to I-290, Youngmann Expressway, Towns of Tonawanda and Amherst, identified as PIN No. 5308.08; and

WHEREAS, The hydrants and valves presently located on State Right-of-Way as shown on the plans for the proposed transportation project are to be adjusted by relocating the hydrants and adjusting the valves; and

WHEREAS, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez,

Executive Director recommend the execution of said Preliminary Utility Work Agreement;

NOW, THEREFORE, BE IT RESOLVED:

That the Chairman, or in his absence the Vice Chairman, be and he hereby is authorized and directed to enter into a Preliminary Utility Work Agreement with the NYSDOT for the abovementioned project identified as US 62, Niagara Falls Boulevard, SH 5172, Romney/Glenalby Roads to I-290, Youngmann Expressway, Towns of Tonawanda and Amherst, identified as PIN No. 5308.08; and be it further

RESOLVED: That the Secretary be and he hereby is authorized to forward the original and four copies of the executed Agreement to Sanjyot Vaidya, Assistant Regional Design Engineer, New York State Department of Transportation, 100 Seneca Street, Buffalo, New York, 14203.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 11 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE FURNISHING AND DELIVERING OF LIQUID CHLORINE IN ONE TON CONTAINERS TO THE ERIE COUNTY WATER AUTHORITY FOR USE IN THE TREATMENT OF WATER FOR TWO YEARS FROM JANUARY 1, 2010 THROUGH DECEMBER 31, 2011, PROJECT NO. 201000002

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 furnishing and delivering of liquid chlorine in one ton containers to the Erie County Water Authority for the use in the treatment of water for two years from January 1, 2010 through 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 the furnishing and delivering of liquid chlorine in one ton containers to the Erie County Water Authority for the use in the treatment of water for two years from January 1, 2010 through 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, Robert A. Niederpruem, Sr. 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 furnishing and delivering of liquid chlorine in one ton containers to the Erie County Water Authority for the use in the treatment of water for two years from January 1, 2010 through 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 12 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR VAN DE WATER WATER TREATMENT PLANT RENOVATION-CEILING REPLACEMENT, PROJECT NO. 200900155

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 Van de Water Water Treatment Plant Renovation – Ceiling Replacement; and

WHEREAS, The work, labor and services for the abovementioned project is estimated to cost an amount in excess of \$5,000.00; and

WHEREAS, The Advertisement for Bids for Van de Water Water Treatment Plant Renovation – Ceiling Replacement 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 Van de Water Water Treatment Plant Renovation – Ceiling Replacement 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 13 - AUTHORIZATION TO INSTALL ONE HYDRANT AT 2447 UNION ROAD, TOWN OF CHEEKTOWAGA, NEW YORK, PROJECT NO. 200900243, EC NO. 5889

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, In a resolution dated, August 17, 2009, The Town Board of the Town of Cheektowaga authorized the Erie County Water Authority ("Authority") to install one hydrant at 2447 Union Road, Town of Cheektowaga, New York under the Authority's annual large service contract; and

WHEREAS, This hydrant installation has been assigned Work Authorization No. EC 5889 and Project No. 200900243;

NOW, THEREFORE, BE IT RESOLVED:

That one hydrant be installed at 2447 Union Road, Town of Cheektowaga, New York under the Authority's annual large service contract.

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

**ITEM 14 - AUTHORIZATION TO GRANT LEAK ALLOWANCE REQUEST –
\$2,698.46**

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Robert J. Lichtenthal, Jr., Deputy Director advised the Authority that he has received leak allowance requests from Authority customers listed below resulting from a service line leak:

- | | |
|------------------------|------------------------|
| 1) Claudia Kontak | 2) Peter J. Romano |
| 8150 Old Post Road W. | 231 Brenridge Drive |
| East Amherst, NY 14051 | East Amherst, NY 14051 |
| \$973.01 | \$1,725.45; and |

WHEREAS, Robert J. Lichtenthal, Jr., Deputy Director advised that the requests contain documentation showing that the leak has been repaired; and

WHEREAS, Said leak allowance requests have 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 requests; and

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

NOW, THEREFORE, BE IT RESOLVED:

That the Authority grant the leak allowance requests to the abovementioned customers; and be it further

RESOLVED: That the Comptroller is hereby authorized and directed to adjust the account of the abovementioned customers.

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

ITEM 15 - AUTHORIZATION FOR THOMAS TWAROZEK, METER SERVICE WORKER AND STEVEN SPENCER, METER SERVICE WORKER TO ATTEND THE CROSS CONNECTION CONTROL COURSE IN ROCHESTER, NEW YORK

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Erie County Water Authority deems it advisable for Thomas Twarozek, Meter Service Worker and Steven Spencer, Meter Service Worker to attend the Cross Connection Control Course in Rochester, New York at a total estimated cost of \$2,200.00;

NOW, THEREFORE, BE IT RESOLVED:

That Thomas Twarozek, Meter Service Worker and Steven Spencer, Meter Service Worker be and they are hereby authorized to travel to Rochester, New York from November 16, 2009 to November 19, 2009 to attend the Cross Connection Control Course at a total estimated cost of \$2,200.00.

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

ITEM 16 - 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, 2009 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 determined it is advisable to provide funds for carpet replacement at the Water Quality Lab, which requires the addition of a new capital item and re-allocation of the Capital Budget funds as follows:

<u>Unit No</u>	<u>Capital/Intern l No.</u>	<u>Description</u>	<u>Increase</u>	<u>Decrease</u>
1030	100748	Carpet Replacement	<u>\$ 18,000</u>	
1015	100693	Scrubber/Alternative CL System for Raw Water		<u>\$18,000</u>
Totals			\$18,000	\$18,000

and

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 17 - 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 15-26 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 18 - 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 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 19 - SERVICE CONNECTION WORK ORDER LIST:

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve Service Connection Work Order Nos. 2009-38 and 2009-39, 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.

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to enter into Executive Session (11:10 a.m) for the matter of possible and proposed litigation (Town of Amherst).

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to exit Executive Session (11:35 a.m).

VIII. - ADJOURNMENT

Meeting adjourned until the next regular meeting to be held on Thursday, October 15, 2009.

Matthew J. Baudo
Secretary to the Authority

SLZ