

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 350 Ellicott Square Building, Buffalo, New York, on the 30th day of November, 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

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, November 19, 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, November 19, 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 \$7,000.00 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 1-11 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 3-18)****ITEM 3 - FINAL ACCEPTANCE OF PROJECT WITH O'CONNELL ELECTRIC CO., INC. FOR CONTRACT NO. NC-32C, INSTALLATION OF ELECTRICAL IMPROVEMENTS FOR STANDBY POWER, PROJECT NO. 200800010, CONTRACT NO. 08-25-11 - \$56,638.26**

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore and on the 20th day of October 2008, the Erie County Water Authority ("Authority") entered into a contract with O'Connell Electric Co., Inc. for Contract No. NC-32C, installation of electrical improvements for Standby Power, identified as Contract No. 08-25-11; and

WHEREAS, Nussbaumer & Clarke, Inc., Consulting Engineers has submitted a final invoice dated August 27, 2009 in the amount of \$56,638.26; and

WHEREAS, Nussbaumer & Clarke, Inc., Consulting Engineers, Wesley C. Dust, P.E., Executive Engineer, and Robert A. Mendez, Executive Director, recommend acceptance of said project;

11/30/09

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 - RATIFICATION OF THE INVESTMENT OF FUNDS FROM THE
MANUFACTURERS & TRADERS TRUST COMPANY, DEBT SERVICE
FUND WATER WORKS SYSTEM REVENUE REFUNDING BONDS, SERIES
1998A - \$50,123.96**

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Susan Rinaldo, Cash Manager advised under date of November 10, 2009 that there was available on December 1, 2009 the following amounts in the Debt Service Fund Water Works System Revenue Refunding Bonds, Series 1998A:

Principal Account	\$33,750.00
Interest Account	\$16,373.96

and has recommended that the Manufacturers & Traders Trust Company, as Fiscal Agent, be authorized to invest from the Interest Account, in the amount of \$8,573.75 to mature in time for the December 15, 2009 Interest Payment at the highest yield to maturity to 1998A Bondholders and invest from the Interest Account, in the amount of \$7,800.21 to mature in time for the June 15, 2010 Interest Payment at the highest yield to maturity to 1998A Bondholders and invest from the Principal Account in the amount of \$33,750.00 to mature in time for the December 15, 2010 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 \$8,573.75 to mature in time for the December 15, 2009 Interest Payment at the highest yield to maturity to 1998A Bondholders and invest from the Interest Account, in the amount of \$7,800.21 to mature in time for the June 15, 2010 Interest Payment at the highest yield to maturity to 1998A Bondholders and invest from the Principal Account in the amount of \$33,750.00 to mature in time for the December 15, 2010 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 5 - RATIFICATION OF THE INVESTMENT OF FUNDS FROM THE MANUFACTURERS & TRADERS TRUST COMPANY, DEBT SERVICE FUND WATER WORKS SYSTEM REVENUE REFUNDING BONDS, SERIES 1998B - \$110,669.38

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Susan Rinaldo, Cash Manager advised under date of November 10, 2009 that there was available on December 1, 2009 the following amounts in the Debt Service Fund Water Works System Revenue Refunding Bonds, Series 1998B:

Interest Account	\$41,502.71
Principal Account	\$69,166.67

and has recommended that the Manufacturers & Traders Trust Company, as Fiscal Agent, be authorized to invest from the Interest Account, in the amount of \$41,502.71 to mature in time for the April 15, 2010 and invest from the Principal Account in the amount of \$69,166.67 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 \$41,502.71 to mature in time for the April 15, 2010 and invest from the Principal Account in the amount of \$69,166.67 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 6 - 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 November 10, 2009 that there was available on December 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 7 - RATIFICATION OF THE INVESTMENT OF FUNDS FROM THE
MANUFACTURERS & TRADERS TRUST COMPANY, DEBT SERVICE
FUND WATER WORKS SYSTEM REVENUE REFUNDING BONDS, SERIES
2007 - \$188,046.94**

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Susan Rinaldo, Cash Manager advised under date of November 10, 2009 that there was available on November 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	\$ 52,916.63

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 \$52,916.63 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 \$52,916.63 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 8 - RATIFICATION OF THE INVESTMENT OF FUNDS FROM THE
MANUFACTURERS & TRADERS TRUST COMPANY, DEBT SERVICE
FUND WATER WORKS SYSTEM REVENUE REFUNDING BONDS, SERIES
2008 - \$493,749.98**

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Susan Rinaldo, Cash Manager advised under date of November 10, 2009 that there was available on November 25, 2009 the following amounts in the Debt Service Fund Water Works System Revenue Refunding Bonds, Series 2008:

Interest Account	\$180,833.35
Principal Account	\$312,916.63

and has recommended that the Manufacturers & Traders Trust Company, as Fiscal Agent, be authorized to invest from the Interest Account, in the amount of \$180,833.35 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 \$312,916.63 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 \$312,916.63 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 9 - AUTHORIZATION TO EXECUTE PRELIMINARY UTILITY WORK AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR US ROUTE 62, SOUTH PARK AVE., SH 2, REF. RTE. 951E, BIG TREE ROAD, SH 1586, TOWN OF HAMBURG, ERIE COUNTY, PROJECT NO. 200700044, IDENTIFIED AS PIN NO. 5308.20 - \$3,362.00

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 Route 62, South Park Ave., SH 2, Ref. Rte. 951E, Big Tree Road, SH 1586, Town of Hamburg, Erie County, identified as PIN no. 5308.20; and

WHEREAS, The work involved is relocating hydrants and adjusting water valves presently located on State right-of-way as shown on the plans for the proposed transportation project at a total estimated cost of \$3,362.00; 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 PIN No. 5308.20 at a total estimated cost of \$3,362.00, which cost is fully reimbursable by the State of New York; and be it further

RESOLVED: That the Secretary be and he hereby is authorized to forward the original four copies of the executed Agreement, along with four certified copies of this resolution to Richard Lutz, Regional Utility Engineer, New York State Department of Transportation, 100 Seneca Street, Buffalo, New York, 14203.

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

ITEM 10 - REFUND FOR NEW SERVICE INSTALLATIONS - \$9,317.90

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 November 30, 2009, has recommended that the following refunds be made 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 11 - AUTHORIZATION TO GRANT LEAK ALLOWANCE REQUESTS - \$8,938.80

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) Roadhouse Grill Buffalo LLC
7566 Transit Road
Williamsville, NY 14221
\$622.46 | 3) Forestedge Cluster Association
Greenwood Drive
East Amherst, NY 14051
\$5,705.90 |
| 2) Erie One Boces
355 Harlem Road
West Seneca, NY 14224
\$2,610.44 | |

WHEREAS, Robert J. Lichtenthal, Jr., Deputy Director advised that the requests contain documentation showing that the leaks have 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 12 - AUTHORIZATION TO ADOPT THE 2010 OPERATING AND MAINTENANCE BUDGET

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Annual Operating and Maintenance Budget for the fiscal year 2010 has been presented and fully reviewed by Wesley C. Dust, Executive Engineer, Robert J. Lichtenthal, Jr., Deputy Director, Matthew J. Baudo, Secretary to the Authority, Steven V. D'Amico, Budget and Financial Analyst and Robert A. Mendez, Executive Director, who recommend its adoption;

NOW, THEREFORE, BE IT RESOLVED:

That the Annual Operating and Maintenance Budget for the fiscal year 2010 be adopted as presented; and be it further

RESOLVED: That said Annual Operating and Maintenance Budget and a certified copy of this resolution be filed with (a) Manufacturers and Traders Trust Company as Fiscal Agent for the 1990 A&B Bond Series, issued under the Water Works System Revenue Bond Resolution and the 1998A&B, 2007 and 2008 Bonds, issued under the Fourth General Water Revenue Bond

Resolution and (b) the New York State Environmental Facilities Corporation for the Series 1998A&B Bonds and Series 2003F Bonds pursuant to the Project Financing Loan Agreements; and be it further

RESOLVED: That the Comptroller is authorized to advance monies for the Extension and Improvement Fund for the Capital Program.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 13 - AUTHORIZATION TO ADOPT THE 2010 ANNUAL CAPITAL BUDGET

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Annual Capital Budget for the fiscal year 2010 has been presented and fully reviewed by Wesley C. Dust, Executive Engineer, Robert J. Lichtenthal, Jr., Deputy Director, Matthew J. Baudo, Secretary to the Authority, Steven V. D'Amico, Budget and Financial Analyst and Robert A. Mendez, Executive Director, who recommend its adoption;

NOW, THEREFORE, BE IT RESOLVED:

That the Annual Capital Budget for the fiscal year 2010 be adopted as presented; and be it further

RESOLVED: That said Annual Capital Budget and a certified copy of this resolution be filed with (a) Manufacturers and Traders Trust Company as Fiscal Agent for the 1990 A&B Bond Series, issued under the Water Works System Revenue Bond Resolution and the 1998A&B, 2007 and 2008 Bonds, issued under the Fourth General Water Revenue Bond Resolution and (b) the New York State Environmental Facilities Corporation for the Series 1998A&B Bonds and Series 2003F Bonds pursuant to the Project Financing Loan Agreements; and be it further

RESOLVED: That the Comptroller is authorized to advance monies for the Extension and Improvement Fund for the Capital Budget described in said Annual Capital Budget in contemplation of replenishment of the fund through subsequent sale of bonds or other permissible funding instruments as required.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 14 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S TARIFF

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Erie County Water Authority ("the Authority") is a non-profit public benefit corporation and is required by its Charter and Tariff to set rates that cover its costs and insure that no one type of service is subsidized by another; and

WHEREAS, The Act creating the Authority and the General Bond Resolutions establishing issuance of all Authority bonds mandate: that the Authority maintain rates and fees sufficient to operate and maintain the waterworks system; to pay the principal and interest on its Revenue Bonds as they become due and payable; and to maintain reserves for capital improvements as well as for all obligations and indebtedness of the Authority; and

WHEREAS, The Authority's Senior Staff has the responsibility to review, analyze and make recommendations relative to charges and procedures contained in the Authority's Tariff; and

WHEREAS, Various department heads have conducted this review and have recommended amendments to the Authority's Tariff; and

WHEREAS, Robert J. Lichtenthal, Jr., Deputy Director, Steven V. D'Amico, Budget and Financial Analyst, Wesley C. Dust, Executive Engineer and Robert A. Mendez, Executive Director have reviewed the above recommendations and changes and concur with them; and

WHEREAS, Mark J. Fuzak, Attorney has also reviewed all these recommendations and changes and concurs with them; and

WHEREAS, After considering all the above recommendations, the Authority has determined that for the best interest of the public to maintain its quality water supply that the Tariff should be amended as set forth in the attached Schedule "A";

NOW, THEREFORE, BE IT RESOLVED:

That the Authority's Tariff, as previously amended, is hereby revised and amended in accordance with Schedule "A" attached hereto and made part hereof, to become effective at 12:01 a.m. January 1, 2010; and be it further

RESOLVED: That the Secretary to the Authority or in his absence the Assistant Secretary is hereby authorized and directed to file in the office of the Clerk of the County of Erie a duly certified copy of this resolution along with a copy of the revised pages to the Tariff and to publish a copy of this resolution authorizing the abovementioned changes in the Buffalo News and the Buffalo Law Journal pursuant to Section 1054, Subdivision 10, of the Public Authorities Law; and be it further

RESOLVED: That the Secretary or in his absence the Assistant Secretary, is further directed to forward a copy of this resolution along with a copy of the revised pages of the Tariff to the Town, Village or City Clerks of each of the towns, villages or cities receiving water from the Authority and that the Secretary or in his absence the Assistant Secretary is further directed to furnish a duly certified copy of this resolution along with a copy of the revised pages of the Tariff to all Fiscal Agents named in the Authority's Bond Resolutions.

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

SCHEDULE "A"
AMENDMENTS TO THE ERIE COUNTY WATER AUTHORITY'S TARIFF
TO BECOME EFFECTIVE AT 12:01 A.M. JANUARY 1, 2010

UNDERLINED PORTIONS INDICATE NEW MATERIAL
PORTIONS IN BRACKETS [] INDICATE DELETIONS

13.00 CLASSIFICATION RATES
AND CHARGES

SERVICE CLASSIFICATION NO. 1

13.01 The following classification of services rendered, facilities furnished hereunder and rates and charges therefore are hereby established.

RATE:

Meters read and billed quarterly: (To Nearest Thousand Gallons)

First	300,000	gallons	per	quarter	at	[\$ 2.86 <u>2.96</u>	per	1000	gallons
Next	1,950,000	"	"	"	"	[2.54 <u>2.63</u>	"	"	"
Next	5,250,000	"	"	"	"	[2.33 <u>2.41</u>	"	"	"
Over	7,500,000	"	"	"	"	[2.05 <u>2.12</u>	"	"	"

Meters read and billed monthly: (To Nearest Thousand Gallons)

First	100,000	gallons	per	month	at	[\$ 2.86 <u>2.96</u>	per	1000	gallons
Next	650,000	"	"	"	"	[2.54 <u>2.63</u>	"	"	"
Next	1,750,000	"	"	"	"	[2.33 <u>2.41</u>	"	"	"
Over	2,500,000	"	"	"	"	[2.05 <u>2.12</u>	"	"	"

SUMMER USE SURCHARGE

The following summer use surcharge rate and rules are hereby established effective November 1, 1992:

1. In the case of meters read and billed quarterly, a summer use surcharge of [sixty-one] ~~seventy-three~~ (\$. [61]) 73 cents per 1,000 gallons of water shall be applied on any billings rendered between May 1 and October 31, where the quantity of water billed is in excess of one-hundred twenty (120%) percent of the winter bill. The winter bill shall be the bill rendered for the same premises in the immediately preceding January, February or March. The summer use surcharge shall be applied only on the portion of the bill which is in excess of one hundred twenty (120%) percent of the winter bill.

2. In the case of meters read and billed monthly, a summer use surcharge of [sixty-one] ~~seventy-three~~ (\$. [61]) 73 cents per 1,000 gallons of water shall be applied on any billings rendered between May 1 and September 30, where the quantity of water billed is in excess of one hundred twenty (120%) percent of the winter bill. The winter bill shall be that bill rendered for the same meter in the immediately preceding January. The summer use surcharge shall be applied only on the portion of the bill in excess of one hundred twenty (120%) percent of the winter bill.

SIZE OF METER	QUARTERLY MINIMUM CHARGE	ALLOWANCE PER QUARTER GALLONS	MONTHLY MINIMUM CHARGE
5/8 inch	\$ [25.74] <u>26.64</u>	9,000	\$ [8.58] <u>8.88</u>
3/4 inch	[34.32] <u>35.52</u>	12,000	[11.44] <u>11.84</u>
1 inch	[60.06] <u>62.16</u>	21,000	[20.02] <u>20.72</u>
1-1/4 inch	[77.22] <u>79.92</u>	27,000	[25.74] <u>26.64</u>
1-1/2 inch	[111.54] <u>115.44</u>	39,000	[37.18] <u>38.48</u>
2 inch	[180.18] <u>186.48</u>	63,000	[60.06] <u>62.16</u>
3 inch	[343.20] <u>355.20</u>	120,000	[114.40] <u>118.40</u>
4 inch	[566.28] <u>586.08</u>	198,000	[188.76] <u>195.36</u>
6 inch	[1,086.60] <u>1,124.70</u>	390,000	[362.20] <u>374.90</u>
8 inch	[1,696.20] <u>1,755.90</u>	630,000	[565.40] <u>585.30</u>
10 inch	[2,382.00] <u>2,466.00</u>	900,000	[794.00] <u>822.00</u>
12 inch	[3,220.20] <u>3,333.90</u>	1,230,000	[1,073.40] <u>1,111.30</u>
20 inch	[7,139.10] <u>7,390.20</u>	2,820,000	[2,379.70] <u>2,463.40</u>
24 inch	[9,515.70] <u>9,848.40</u>	3,840,000	[3,171.90] <u>3,282.80</u>

SERVICE CLASSIFICATION NO. 1-A**13.02 WATER SERVICE CONNECTION FEES****APPLICABILITY:**

All water service connections for general metered purposes under Service Classification No. 1, except those to lots whose water service connections were not installed by the Authority.

RATE:

<u>SIZE OF CONNECTION</u>	<u>CONNECTION CHARGE</u>
Equal to or less than 1 inch	[\$1,400.00] <u>1,800.00</u>
Greater than 1 inch but not over 2 inches	2,400.00
Over 2 inches	AT COST

**ITEM 15 - AUTHORIZATION TO AMEND ITEM NO. 43.0 (INSURANCE BENEFITS)
TO THE ERIE COUNTY WATER AUTHORITY'S HUMAN RESOURCES
POLICIES/PROCEDURES MANUAL**

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore and on the 18th day of May, 1995, by Resolution Item No. 25, the Erie County Water Authority ("Authority") adopted a Human Resources Policies/ Procedures Manual; and

WHEREAS, Heretofore and on the 27th day of December, 2005 the Authority adopted a revised Human Resources Policies/Procedures Manual; and

WHEREAS, Matthew J. Baudo, Secretary to the Authority advises that it is in the best interest of the Authority to amend Policy No. 43.0 (Insurance Benefits) of said Manual to read as follows on the attached Schedule "A"; and

WHEREAS, Matthew J. Baudo, Secretary to the Authority recommends amending Policy No. 43.0 (Insurance Benefits) of the Authority's Human Resources Policies/Procedures Manual; and

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

NOW, THEREFORE, BE IT RESOLVED:

That the Authority amend Policy No. 43.0 (Insurance Benefits) of the Authority's Human Resources Policies/Procedures Manual as noted on the attached Schedule "A".

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

SCHEDULE "A"
ERIE COUNTY WATER AUTHORITY
HR Policies/Procedures

Re:	INSURANCE BENEFITS	Policy No.:	43.0
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Application:	Managerial/Confidential Employees	Amended:	07/29/97 11/26/02 09/25/03 01/16/04 03/25/04 07/26/05 12/18/08 02/12/09 11/30/09

PURPOSE

To provide a comprehensive and competitive program of employee insurance benefits.

POLICY

It is the policy of the Authority to make available to active Managerial and Confidential employees, insurance benefits designed to safeguard the health of Authority employees and their families, provide income replacement to employees in the event of loss of regular earnings due to long-term disability, and provide a level of financial protection to families in the event of the death of an employee. The benefit descriptions contained herein are intended as a summary only. The official terms of the Authority's insurance plans are contained in plan documents.

MEDICAL INSURANCE

1. Newly hired employees shall first become eligible for either single or family coverage on the first of the month following their date of active employment.
2. Effective June 1, 2004, the Authority shall provide as its insurance plan a traditional point of service (POS) type contract which shall be provided by Blue Cross and Blue Shield of Western New York through the Labor/Management Health Coalition, Inc. (LMHC).
3. Employees will have the option of participating in the Core Plan, the Enhanced Plan or the Value Plan. Effective January 1, 2010 the Authority shall pay ninety (90%) percent of the cost of the Core Plan for single and family coverage. The Employee shall contribute ten (10%) percent of the monthly premium cost of the Core Plan through payroll deduction.
4. For those employees that elect to enroll in the Enhanced Plan, the employee shall be required to pay the difference in cost between the Enhanced Plan and the Authority's share of the Core Plan.
5. For those employees that enroll in the Value Plan, the Authority shall pay ninety (90%) percent of the cost of the Value Plan for single and family coverage. The Employee shall contribute ten (10%) of the monthly premium cost of the Value Plan through payroll deduction. The Authority shall deposit fifty (50%) percent of the difference in the monthly premium cost between the Core Plan and the Value Plan in an IRS Section 105-H account. Monies deposited in such account shall roll over year to year until expended, or until employee's death, at which time any unexpended funds shall revert to the Authority.

DENTAL INSURANCE

1. Newly hired employees shall become eligible for either single or family coverage on the first of the month following their date of active employment.
2. Coverage is provided through the Preferred Dental Plan. The plan is administered by Group Health Incorporated (GHI). Benefits shall include 100% Prosthetic Allowance and Orthodontia for dependent children to age twenty-three.
3. The Authority shall contribute toward the premium an amount up to \$27.43 per month for single coverage or \$109.70 per month for family coverage. Any excess cost shall be borne by the employee through an authorized payroll deduction.

VISION CARE PLAN

1. Newly hired employees shall become eligible for either single or family coverage on the first of the month following their date of active employment.

2. Coverage is provided through the Vision Service Plan (VSP). The plan includes benefits for vision examinations, lenses, frames and contact lenses.
3. The Authority shall pay the full premium for either single or family coverage.

SHORT-TERM DISABILITY

1. Newly hired employees shall be enrolled on the first of the month following one month of active employment.
2. Coverage is provided by The Guardian insurance company. Benefits begin on the eighth day of injury/sickness, and may continue for a maximum benefit period of 26 weeks at fifty-percent of an employees weekly earnings to a maximum of \$1,000 per week less other income benefits. Benefit payments and duration are subject to the conditions of the Plan.
3. Short Term Disability Benefits will not be paid for an occupational injury or sickness.
4. The full cost of this plan shall be borne by the Authority.

LONG-TERM DISABILITY

1. Newly hired employees shall be enrolled on the first of the month following their date of active employment.
2. Coverage is provided by the The Guardian insurance company. Benefits begin following 180 days of disability and equal 70% of an employee's basic monthly earnings up to \$5,000, less other income benefits. Benefit payments and duration are subject to the conditions of the Plan.
3. The full cost of this plan shall be borne by the Authority.

LIFE INSURANCE

1. Authority paid coverage provides employee life insurance and accidental death and dismemberment benefits through the following group plans:
 - A. Newly hired employees shall be enrolled in The Guardian life insurance plan on the first of the month following their date of hire.
 - B. Newly hired employees shall be enrolled in an additional life insurance plan provided by The Guardian insurance company on the first of the month following their initial 26 weeks of active employment.

2. In addition, the Authority may from time to time offer employees the opportunity to participate in optional life insurance programs on a contributory basis.

MEDICAL AND/OR DENTAL INSURANCE WAIVER

Employees who are covered under an alternate plan may elect cash payments in lieu of Authority provided medical and/or dental insurance coverage. The Medical/Dental Insurance Waiver is further explained in Policy No. 44.0.

RETIREE MEDICAL INSURANCE

Eligible employees who retire after April 1, 1991 shall be provided with single or family medical insurance. Retiree Medical Insurance is explained further in Policy No. 46.0.

COBRA CONTINUATION BENEFITS

Employees and/or their eligible dependents shall be provided the opportunity to continue their medical, dental and/or vision coverage under COBRA should their Authority provided coverage terminate. COBRA is explained further in Policy No. 45.0.

ITEM 16 - 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 12-13 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 16 - 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 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.

ITEM 17 - SERVICE CONNECTION WORK ORDER LIST:

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve Service Connection Work Order No. 2009-47, 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, December 17, 2009.

Robert J. Lichtenthal, Jr.
Assistant Secretary to the Authority

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