

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 350 Ellicott Square Building, Buffalo, New York, on the 31st day of December, 2009.

PRESENT: Frank E. Swiatek, Chairman
 Kelly M. Vacco, Vice Chair
 Francis G. Warthling, Treasurer
 Robert A. Mendez, Executive Director
 Robert J. Lichtenthal, Jr., Assistant Secretary to the Authority
 Wesley C. Dust, Executive Engineer
 Mark J. Fuzak, Attorney
 Ronald P. Bennett, Associate Attorney
 Paul H. Riestler, 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: 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, December 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, December 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 1-6 not to exceed the amount of \$15,188,535.91 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 RELEASES:

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 1-12 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 - AUTHORIZATION TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE CITY OF TONAWANDA IN CONNECTION WITH THE MILLING AND OVERLAY PROJECT AND WATERMAIN PROJECT ON YOUNG STREET IN THE CITY OF TONAWANDA, NEW YORK

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The City of Tonawanda ("City") has initiated plans to undertake the milling and asphalt overlay of Young Street from Broad Street to State Street in the City of Tonawanda, New York; and

WHEREAS, The Erie County Water Authority ("Authority") intends to replace the existing watermain presently located on Young Street from Broad Street to State Street; and

WHEREAS, The City and the Authority desire to enter into a Cooperative Agreement to coordinate and facilitate the milling and overlay project and the watermain project on Young

Street in order to achieve cost containment and efficiency; and

WHEREAS, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend entering into a Cooperative Agreement with the City;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority accepts the Cooperative Agreement between the City and the Authority to coordinate and facilitate the milling and overlay project and the watermain project on Young Street in order to achieve cost containment and efficiency; and be it further

RESOLVED: That the Chairman be and he hereby is authorized to execute said agreement on behalf of the Authority; and be it further

RESOLVED: That the Secretary be and he hereby is authorized to forward an executed copy of said Agreement together with a certified copy of this resolution to the City.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

**ITEM 4 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR CONTRACT NO.:
WSA-7 WATER SYSTEM IMPROVEMENTS TOWN OF AMHERST, NEW
YORK, PROJECT NO. 200800077**

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 Contract No.: WSA-7 Water System Improvements Town of Amherst, New York;

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 Contract No. WSA-7 Water System Improvements Town of Amherst, New York 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, Wm. Schutt & Associates, P.C., Consulting Engineers will be the designated contact 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 Contract No. WSA-7 Water System Improvements 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 5 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE FURNISHING AND DELIVERING OF TWELVE (12) NEW AND UNUSED VEHICLES NOS. 20, 21, 30, 31, 56, 57, 60, 77, 78, 87, 97 and 108, PROJECT NO. 201000004

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 twelve (12) new and unused vehicles nos. 20, 21, 30, 31, 56, 57, 60, 77, 78, 87, 97 and 108; 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 twelve (12) new and unused vehicles nos. 20, 21, 30, 31, 56, 57, 60, 77, 78, 87, 97 and 108 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 Guggemos, Distribution 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 twelve (12) new and unused vehicles nos. 20, 21, 30, 31, 56, 57, 60, 77, 78, 87, 97 and 108 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 6 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR CONTRACT NO. T-022, WATER SYSTEM IMPROVEMENTS, PROJECT NO. 200800093

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 Contract No. T-022, water system improvements; 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 Contract No. T-022, water system improvements 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, TVGA Consultants, Consulting Engineers will be the designated contact 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 Contract No. T-022, water system improvements 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 7 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR CONTRACT NO. EA-008, WATER SYSTEM IMPROVEMENTS, CITIES OF TONAWANDA AND LACKAWANNA, TOWNS OF ORCHARD PARK AND WEST SENECA, PROJECT NO. 200800094

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 Contract No. EA-008, water system improvements, Cities of Tonawanda and Lackawanna, Town of Orchard Park and West Seneca; 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 Contract No. EA-008, water system improvements, Cities of Tonawanda and Lackawanna, Town of Orchard Park and West Seneca 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, Erdman Anthony, Consulting Engineers will be the designated contact 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 Contract No. EA-008, water system improvements, Cities of Tonawanda and Lackawanna, Town of Orchard Park and West Seneca 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 - REFUND FOR NEW SERVICE INSTALLATIONS - \$28,820.26

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 December 31, 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 9 - AUTHORIZATION TO AMEND ITEM NO. 41.0 (VACATIONS) 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. 41.0 (Vacations) 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. 41.0 (Vacations) 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. 41.0 (Vacations) 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

ITEM 10 - 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 13-20 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 11 - 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 21 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. 2009-48, 2009-51 and 2009-52, 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 (8:45 a.m.) for the matter of discussing the status of outstanding legal matters.

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to exit Executive Session (9:05 a.m.).

VIII. - ADJOURNMENT

Meeting adjourned until the next regular meeting to be held on Thursday, January 14, 2010.

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

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