

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 350 Ellicott Square Building, Buffalo, New York, on the 14th day of January, 2010.

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: **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 31, 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 31, 2009.

IV. - REPORTS (See "Report" Minutes for Details)

- A) SECRETARY/PERSONNEL**
- B) LEGAL**
- C) FISCAL**

- D) OPERATIONS**
- E) HUMAN RESOURCES**
- F) AUDIT COMMITTEE**
- G) GOVERNANCE COMMITTEE**

V. - COMMUNICATIONS AND BILLS

ITEM 1 - MASTER PURCHASE ORDER 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 1-13 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.

VI. - UNFINISHED BUSINESS (NONE)

VII. - NEW BUSINESS (RESOLUTIONS 2-11)

ITEM 2 - FINAL ACCEPTANCE OF PROJECT WITH CUSTOM TOPSOIL, INC. FOR 2009 PAVEMENT REPLACEMENT PROJECT, ERIE COUNTY WATER AUTHORITY SERVICE CENTER, ERIE COUNTY, NEW YORK, PROJECT NO. 200900113, CONTRACT NO. 09-20-09 - \$3,296.55

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore and on the 13th day of August 2009, the Erie County Water Authority ("Authority") entered into a contract with Custom Topsoil, Inc. for 2009 Pavement Replacement Project, Erie County Water Authority Service Center, Erie County, New York, identified as Contract No. 09-20-09; and

WHEREAS, Custom Topsoil, Inc. has submitted a final invoice in the amount of \$3,296.66; and

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

NOW, THEREFORE, BE IT RESOLVED:

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

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 3 - AUTHORIZATION TO ENTER INTO AN INTELLECTUAL PROPERTY AGREEMENT WITH STC CONSTRUCTION AND PARKSON CORPORATION IN CONNECTION WITH CONTRACT NO. MP-73, STURGEON POINT WATER TREATMENT PLANT COAGULATION BASIN UPGRADES, PROJECT NO. 200700016

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore and on the 8th day of February, 2007 the Erie County Water Authority ("Authority") entered into an agreement with Malcolm Pirnie, Inc. to provide consulting services for the design and construction of process upgrades at the Authority's Sturgeon Point Water Treatment Plant located in the Town of Evans, identified as Contract No. MP-73; and

WHEREAS, Contract MP-73 includes the supply of sludge collection equipment and software; and

WHEREAS, Heretofore and on the 11th day of October, 2007 the Authority approved Parkson Corporation ("Parkson") as the sole source provider for the supply of sludge collection equipment and software for said Contract; and

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

WHEREAS, The Authority has made program enhancements intending to be integrated with the current software program owned by the Authority, but supplied by Parkson; and

WHEREAS, In order to ensure that these program enhancements do not void any warranties in the current contract with STC, it is necessary for Parkson to review these program enhancements; and

WHEREAS, Richard M. Rosenberry, Sr. Distribution Engineer and Wesley C. Dust, Executive Engineer advise that it is in the best interest of the Authority to enter into the Intellectual Property Agreement submitted by STC and Parkson to protect the Authority's ownership of the enhancements to the software; and

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

NOW, THEREFORE, BE IT RESOLVED:

That the Authority authorizes Parkson to review the program enhancements developed by the Authority in order to ensure that these program enhancements do not void any warranties in the current contract with STC; and be it further

RESOLVED: That the Authority accepts the Intellectual Property Agreement submitted by STC and Parkson to protect the Authority's ownership of the enhancements to the software; and be it further

RESOLVED: That the Chairman be and he hereby is authorized to execute said Intellectual Property 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 STC and Parkson.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 4 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE 2009 ANNUAL WATER QUALITY REPORT, PROJECT NO. 201000013

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 2009 Annual Water Quality Report; 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 2009 Annual Water Quality Report 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, Brian C. Bray, Public Affairs Officer 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 2009 Annual Water Quality Report 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 - 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 5 Burdette Drive, Town of Cheektowaga with a new Clow hydrant on 11/2/09. Work done by ECWA forces under Work Authorization No. 107.200 5905.

Old hydrant originally installed in 1944 was scrapped and retired under Retirement Authorization No. R90050.

Replace existing hydrant at 33 Carolyn Ct., Town of Cheektowaga with a new Clow hydrant on 11/19/09. Work done by ECWA forces under Work Authorization No. 107.200 5911.

Old hydrant originally installed in 1952 was scrapped and retired under Retirement Authorization No. R90055.

Replace existing hydrant at Linda Drive corner of Maryvale Drive, Town of Cheektowaga with a new Clow hydrant on 12/1//09. Work done by ECWA forces under Work Authorization No. 107.200 5914.

Old hydrant originally installed in 1951 was scrapped and retired under Retirement Authorization No. R90058.

Replace existing hydrant at 384 Maryvale Drive, Town of Cheektowaga with a new Clow hydrant on 11/12/09. Work done by ECWA forces under Work Authorization No. 107.200 5908.

Old hydrant originally installed in 1942 was scrapped and retired under Retirement Authorization No. R90052.

Replace existing hydrant at 837 Losson Road, Town of Cheektowaga with a new Clow hydrant on 11/5/09. Work done by ECWA forces under Work Authorization No. 107.200 5907.

Old hydrant originally installed in 1981 was scrapped and retired under Retirement Authorization No. R90051.

Replace existing hydrant at 583 Roycroft Blvd., Town of Cheektowaga with a new Clow hydrant on 10/29/09. Work done by ECWA forces under Work Authorization No. 107.200 5904.

Old hydrant originally installed in 1931 was scrapped and retired under Retirement Authorization No. R90049.

Replace existing hydrant at 35 Saint Lucian Court, Town of Cheektowaga with a new Clow hydrant on 11/13/09. Work done by ECWA forces under Work Authorization No. 107.200 5909.

Old hydrant originally installed in 1953 was scrapped and retired under Retirement Authorization No. R90053.

Replace existing hydrant at 9 Saint Paul Court, Town of Cheektowaga with a new Clow hydrant on 11/23/09. Work done by ECWA forces under Work Authorization No. 107.200 5912.

Old hydrant originally installed in 1952 was scrapped and retired under Retirement Authorization No. R90056.

Replace existing hydrant at 270 Strasmer Road, Town of Cheektowaga with a new Kennedy K81 hydrant on 11/17/09. Work done by ECWA forces under Work Authorization No. 107.200 5910.

Old Matthew hydrant originally installed in 1952 was scrapped and retired under Retirement Authorization No. R90054.

Replace existing hydrant at 136 Unionvale Drive, Town of Cheektowaga with a new Kennedy K81 hydrant on 12/8/09. Work done by ECWA forces under Work Authorization No. 107.200 5919.

Old hydrant originally installed in 1941 was scrapped and retired under Retirement Authorization No. R90063.

Replace existing hydrant at 21 White Drive, Town of Cheektowaga with a new Mueller Centurion hydrant on 9/23/09. Work done by ECWA forces under Work Authorization No. 107.200 5896.

Old hydrant originally installed in 1956 was scrapped and retired under Retirement Authorization No. R90043.

Replace existing hydrant at 4505 East Overlook Drive, Town of Clarence with a new Kennedy K81 hydrant on 12/4/09. Work done by ECWA forces under Work Authorization No. 107.200 5917.

Old hydrant originally installed prior to 1999 was scrapped and retired under Retirement Authorization No. R90061.

Replace existing hydrant at 8750 Sheridan Drive, Town of Clarence with a new Clow hydrant on 10/21/09. Work done by ECWA forces under Work Authorization No. 107.200 5901.

Old hydrant originally installed prior to 1999 was scrapped and retired under Retirement Authorization No. R90047.

Replace existing hydrant at 72 Saint Jude Drive, City of Lackawanna with a new Clow hydrant on 10/6/09. Work done by ECWA forces under Work Authorization No. 107.200 5898.

Old hydrant originally installed in 1956 was scrapped and retired under Retirement Authorization No. R90045.

Replace existing hydrant at 22 Winstead Road, City of Lackawanna with a new Clow hydrant on 10/21/09. Work done by ECWA forces under Work Authorization No. 107.200 5902.

Old hydrant originally installed in 1979 was scrapped and retired under Retirement Authorization No. R90048.

Replace existing hydrant at 234 Franklin St., City of Tonawanda with a new Clow hydrant on 9/14/09. Work done by ECWA forces under Work Authorization No. 107.200 5895.

Old hydrant originally installed prior to 2004 was scrapped and retired under Retirement Authorization No. R90042.

Replace existing hydrant at corner of Wildwood Place and Winegar Place, Town of West Seneca with a new Clow hydrant on 10/14/09. Work done by ECWA forces under Work Authorization No. 107.200 5899.

Old hydrant originally installed prior to 2004 was scrapped and retired under Retirement Authorization No. R90046.

Replace existing valve at Clinton Street and Fletcher Street, City of Tonawanda with a new Resilient Seat Valve on 12/7/09. Work done by ECWA forces under Work Authorization No. 107.200 5918.

Old valve originally installed prior to 2004 was scrapped and retired under Retirement Authorization No. R90062.

Install new Resilient Seat valve at West Elmview Ave. and Abbott Road, City of Lackawanna on 11/2/09. Work done by ECWA forces under Work Authorization No. 107.200 5906.

Install new Clow hydrant at South Fisher Road at Route 219, Town of West Seneca on 10/22/09. Work done by ECWA forces under Work Authorization No. 107.200 5903; 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 6 - AUTHORIZATION TO WRITE-OFF ACCOUNTS RECEIVABLE FOR THE CALENDAR YEAR 2009 - \$28,518.31

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Susan L. Rinaldo, Cash Manager, has submitted a report dated January 7, 2010 stating that the attached list of accounts receivable for water service totaling \$28,518.31 are uncollectible as per status received from the Authority's collection agencies, represent discharged bankruptcies or are amounts less than \$10.00 representing billings rendered prior to December 31, 2009; and

WHEREAS, This listing has been reviewed by Albert J. Meaney, Comptroller; and

WHEREAS, Robert J. Lichtenthal, Jr., Deputy Director, and Robert Mendez, Executive Director, recommend that the Authority write-off these accounts as uncollectible;

NOW, THEREFORE, BE IT RESOLVED:

That the report of Susan L. Rinaldo, Cash Manager, is hereby approved and that said list of uncollectible accounts receivable for water service, totaling \$28,518.31 be charged off as bad debts against the reserve set up by the Authority for that purpose.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 7 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL O&M BUDGET FOR FISCAL YEAR 2009

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, In a resolution dated November 24, 2008 the Erie County Water Authority (the "Authority") adopted its Annual O&M Budget for the fiscal year 2009; and

WHEREAS, From time to time, due to changes in spending priorities, availability of funds, or changes in other circumstances, the Authority finds it proper to amend its Budget to reflect such changes; and

WHEREAS, The Authority has been advised by Richard Rosenberry, Senior Distribution Engineer, that due to circumstances beyond our control, costs are expected to exceed the budgeted amount for the O&M line item #18 - "Payments to Contractor - Restoration" in Unit

2535 – Restoration; and

WHEREAS, In order to fund these additional amounts, it will be necessary to transfer \$350,000 from unused, and not expected to be used, funds from the O&M line item #14 - “Power” in Unit 1010 – Sturgeon Point, as follows:

<u>Unit No</u>	<u>Internal No:</u>	<u>Description</u>	<u>Increase</u>	<u>Decrease</u>
2535	18	Payment to Contractors - Restoration	\$ <u>350,000</u>	
1010	14	Power		\$ <u>350,000</u>
Totals			\$ 350,000	\$ 350,000

WHEREAS, Robert A. Mendez, Executive Director, Robert J. Lichtenthal Jr., Deputy Director, Matthew J. Baudo, Secretary to the Authority, Wesley Dust, Executive Engineer, and Steven V. D’Amico, Budget/Financial Analyst, recommend approval of said amendment;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority's Annual O&M Budget for the fiscal year 2009 be amended as listed above.

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

ITEM 8 - EDWARD PIOTROWSKI - LEAVE OF ABSENCE

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to grant Edward Piotrowski a leave of absence from his permanent position of Skilled Water Utility Worker during his provisional appointment as Crew Chief.

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

ITEM 9 - 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 14-21 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 10 - 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 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 11 - SERVICE CONNECTION WORK ORDER LIST:

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve Service Connection Work Order Nos. 20090-53 and 2010-01, 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, January 28, 2010.

Matthew J. Baudo
Secretary to the Authority

SLZ

1/14/10