

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 350 Ellicott Square Building, Buffalo, New York, on the 17th day of March, 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/Personnel Director
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
Karen A. Prendergast, Comptroller
Steven V. D'Amico, Budget and Financial Analyst
Brian C. 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, March 3, 2010.

III. - APPROVAL OF MINUTES

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve the Minutes of the Meeting held on Thursday, March 3, 2010.

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 \$9,500.00 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 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 1-11 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 3-12)

ITEM 3 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH COMMERCIAL INSURANCE CONSULTANTS, INC. TO PROVIDE INSURANCE CONSULTING SERVICES, PROJECT NO. 201000035

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Erie County Water Authority's ("Authority") Board of Commissioners authorized the issuance of a Request for Proposals ("RFP") to qualified firms to provide insurance consulting services on February 10, 2010; and

WHEREAS, A copy of the RFP was sent to:

Aldrich & Cox
Commercial Insurance Consultants, Inc.; and

WHEREAS, The only respondent to the RFP was Commercial Insurance Consultants, Inc.; and

WHEREAS, The RFP process was conducted pursuant to the enacted state legislation (New York State Finance Law ' ' 139-j and 139-k) and the Authority's Purchasing Guidelines, Policies and Procedures; and

WHEREAS, Upon evaluating the response to the RFP, the Authority deems it advisable to have Commercial Insurance Consultants, Inc. render professional insurance consulting services; and

WHEREAS, Robert J. Lichtenthal, Jr., Deputy Director and Robert A. Mendez, Executive Director recommend that the Authority enter into an agreement with Commercial Insurance Consultants, Inc.;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority accepts the proposal of Commercial Insurance Consultants, Inc. to provide insurance consulting services; and be it further

RESOLVED: Pursuant to New York State Finance Law ' ' 139-j and 139-k and the Authority's Purchasing Guidelines, Policies and Procedures with the award and execution by the Authority of this agreement, the Restricted Period will cease; 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 Commercial Insurance Consultants, Inc.

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

ITEM 4 - AWARD OF CONTRACT TO SICAR MANAGEMENT & CONSTRUCTION, INC. FOR CONTRACT NO. T-022, WATER SYSTEM IMPROVEMENTS IN THE TOWN OF WEST SENECA, PROJECT NO. 200800093 - \$1,053,773.00

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Erie County Water Authority (Authority) heretofore advertised in the Dodge Reports and Front Page on the 27th day of January, 2010, and in Business First on the 29th day of January 2010, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for Contract No. T-022, water system improvements in the Town of West Seneca; and

WHEREAS, Sealed bids or proposals were opened in the office of the Authority on the 9th day of February, 2010, at 11:00 a.m., local time, and were as follows:

| BIDDERS | AMOUNT |
|--|-----------------|
| Sicar Management & Construction, Inc. | \$1,053,773.00* |
| Kandey Company, Inc. | 1,145,460.00 |
| C.M.H. Company, Inc. | 1,173,265.00 |
| Visone Construction, Inc. | 1,220,728.00 |
| E&R General Construction, Inc. | 1,260,006.00 |
| J.D. Northrup Construction, Inc. | 1,280,575.00 |

* Corrected Figure; and

WHEREAS, The bid bonds have all been approved by Anthony Alessi, Claims Representative/Risk Manager; and

WHEREAS, Robert Brown, Director of Equal Employment Opportunity, has advised that the low bidder, Sicar Management & Construction, Inc. has complied with the Authority's Affirmative Action Requirements and recommends that they be allowed to proceed with their contract based on that fact; and

WHEREAS, TVGA Consultants, Consulting Engineers, Wesley C. Dust, P.E., Executive Engineer and Richard M. Rosenberry, Sr. Distribution Engineer have reviewed the specifications and bids and determined that Sicar Management & Construction, Inc. is the lowest bidder qualified to perform the project and have recommended that a contract be awarded to that firm for the abovementioned project; and

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

NOW, THEREFORE, BE IT RESOLVED:

That it is hereby determined that Sicar Management & Construction, Inc. is the lowest responsible bidder for the abovementioned project, and that the Chairman be and he hereby is authorized and directed to execute a contract with said contractor for the Contract No. T-022, water system improvements in the Town of West Seneca in the total amount of \$1,053,773.00; and be it further

RESOLVED: Pursuant to New York State Finance Law ' ' 139-j and 139-k and the Authority's Purchasing Guidelines, Policies and Procedures with the award and execution by the Authority of this contract, the Restricted Period will cease; and be it further

RESOLVED: That the Secretary be and he hereby is authorized to return to the unsuccessful bidders their deposit submitted with their bid to the Authority for the abovementioned project; and be it further

RESOLVED: That the Director of Administration is hereby authorized and directed to create a Master Purchase Order for the abovementioned contract.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 5 - AWARD OF CONTRACT TO C.M.H. COMPANY, INC. FOR CONTRACT NO. EA-008, WATER SYSTEM IMPROVEMENTS, CITIES OF TONAWANDA AND LACKAWANNA, TOWNS OF ORCHARD PARK AND WEST SENECA, PROJECT NO. 200800094 - \$482,125.00

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Erie County Water Authority (Authority) heretofore advertised in the Dodge Reports and Front Page on the 20th day of January 2010, and in Business First on the 22nd day of January, 2010, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for Contract No. EA-008, water system improvements, Cities of Tonawanda and Lackawanna, Towns of Orchard Park and West Seneca; and

WHEREAS, Sealed bids or proposals were opened in the office of the Authority on the 2nd day of February, 2010, at 11:00 a.m., local time, and were as follows:

| BIDDERS | AMOUNT |
|--|---------------|
| C.M.H. Company, Inc. | \$482,125.00 |
| Sicar Management & Construction, Inc. | 496,080.00 |
| E&R General Construction, Inc. | 537,980.00 |
| Kandey Company, Inc. | 795,775.00* |

*Corrected Figure; and

WHEREAS, The bid bonds have all been approved by Anthony Alessi, Claims Representative/Risk Manager; and

WHEREAS, Robert Brown, Director of Equal Employment Opportunity, has advised that the low bidder, C.M.H. Company, Inc. has complied with the Authority's Affirmative Action Requirements and recommends that they be allowed to proceed with their contract based on that fact; and

WHEREAS, Erdman Anthony, Consulting Engineers, Wesley C. Dust, P.E., Executive Engineer and Richard M. Rosenberry, Sr. Distribution Engineer have reviewed the specifications and bids and determined that C.M.H. Company, Inc. is the lowest bidder qualified to perform the project and have recommended that a contract be awarded to that firm for the abovementioned project; and

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

NOW, THEREFORE, BE IT RESOLVED:

That it is hereby determined that C.M.H. Company, Inc. is the lowest responsible bidder for the abovementioned project, and that the Chairman be and he hereby is authorized and directed to execute a contract with said contractor for the Contract No. EA-008, water system improvements, Cities of Tonawanda and Lackawanna, Towns of Orchard Park and West Seneca in the total amount of \$482,125.00; and be it further

RESOLVED: Pursuant to New York State Finance Law ' ' 139-j and 139-k and the Authority's Purchasing Guidelines, Policies and Procedures with the award and execution by the Authority of this contract, the Restricted Period will cease; and be it further

RESOLVED: That the Secretary be and he hereby is authorized to return to the unsuccessful bidders their deposit submitted with their bid to the Authority for the abovementioned project; and be it further

RESOLVED: That the Director of Administration is hereby authorized and directed to create a Master Purchase Order for the abovementioned contract.

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

ITEM 6 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR HIGH VOLTAGE, SERVICE, SWITCHGEAR INSPECTION AND EMERGENCY ELECTRICAL WORK WITHIN THE ERIE COUNTY WATER AUTHORITY'S FACILITIES FOR A PERIOD OF TWO YEARS FROM JUNE 1, 2010 THROUGH MAY 31, 2012, PROJECT NO. 201000051

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 high voltage, service, switchgear inspection and emergency electrical work within the Erie County Water Authority's facilities for a period of two years from June 1, 2010 through May 31, 2012; 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 high voltage, service, switchgear inspection and emergency electrical work within the Erie County Water Authority's facilities for a period of two years from June 1, 2010 through May 31, 2012 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 high voltage, service, switchgear inspection and emergency electrical work within the Erie County Water Authority's facilities for a period of two years from June 1, 2010 through May 31, 2012 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 - 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 59 Aurora Drive, Town of Cheektowaga with a new Clow hydrant on 1/15/10. Work done by ECWA forces under Work Authorization No. 107.200 EC5927.

Old hydrant originally installed in 1962 was scrapped and retired under Retirement Authorization No. R100002.

Replace existing hydrant at 6 South Hedley Street, Town of Cheektowaga with a new Clow hydrant on 2/9/10. Work done by ECWA forces under Work Authorization No. 107.200 EC 5931.

Old Mathews hydrant originally installed in 1955 was scrapped and retired under Retirement Authorization No. R100006.

Replace existing hydrant at corner of Wales Avenue and Vickers Street, City of Tonawanda with a new Clow hydrant on 2/11/10. Work done by ECWA forces under Work Authorization No. 107.200 EC 5933.

Old Darling hydrant originally installed in 1955 was scrapped and retired under Retirement Authorization No. R100007.

Replace existing valve at 229 Clover Place, Town of Cheektowaga with a new resilient seat valve on 1/18/10. Work done by ECWA forces under Work Authorization No. 107.200 EC 5928.

Old gate valve originally installed in 1927 was scrapped and retired under Retirement Authorization No. R100003.

Replace existing valve at Crosby Blvd. and Olney Drive, Town of Amherst with a new seat valve on 1/10/10. Work done by ECWA forces under Work Authorization No. 107.200 EC 5926.

Old gate valve originally installed in 1928 was scrapped and retired under Retirement Authorization No. R100001.

Replace existing valve at 1 Arcade Street, Town of West Seneca with a new resilient valve on 2/9/10. Work done by ECWA forces under Work Authorization No. 107.200 EC 5932.

Old gate valve originally installed in 1929 was scrapped and retired under Retirement Authorization No. R100008; 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 8 - AUTHORIZATION TO ACCEPT RATES FROM LABOR-MANAGEMENT HEALTHCARE COALITION FOR PAYMENT OF DENTAL COVERAGE PREMIUMS FOR ERIE COUNTY WATER AUTHORITY NON-REPRESENTED/MANAGERIAL AND AFSCME EMPLOYEES FOR THE PERIOD OF APRIL 1, 2010 THROUGH MARCH 31, 2011 AND EXECUTION OF RATE SHEET

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Erie County Water Authority's (Authority) Plan term for dental insurance with Labor-Management Healthcare Coalition (LMHC) for Authority Non-Represented/Managerial and AFSCME employees expires on March 31, 2010; and

WHEREAS, LMHC submitted a rate sheet for payment of dental coverage premiums for Authority Non-Represented/Managerial employees and AFSCME employees for the period of April 1, 2010 through March 31, 2011; and

WHEREAS, Robert A. Mendez, Executive Director has reviewed the submitted rate sheet and recommends acceptance and execution thereof;

NOW, THEREFORE BE IT RESOLVED:

That the Authority accepts the rates submitted by LMHC for payment of dental coverage premiums for Erie County Water Authority Non-Represented/Managerial and AFSCME employees for the period of April 1, 2010 through March 31, 2011; and be it further

RESOLVED: That the Executive Director be and he hereby is authorized to execute the rate sheet as stated above.

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

ITEM 9 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S BY-LAWS

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore and on the 27th day of July, 1949, the Erie County Water Authority (Authority) adopted By-Laws for the management and regulation of its affairs; and

WHEREAS, The Authority deems it necessary to amend these By-Laws as set forth in the attached Schedule "A";

NOW, THEREFORE, BE IT RESOLVED:

That the Authority's By-Laws, is hereby revised and amended in accordance with Schedule "A" attached hereto and made part hereof; and be it further

RESOLVED: Pursuant to Section 1054, Subdivision 10 of the Public Authorities Law, 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 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.

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

SCHEDULE "A"
AMENDMENTS TO THE ERIE COUNTY WATER AUTHORITY'S BY-LAWS

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

ARTICLE I
Meetings

1. **ANNUAL MEETING:** The annual meeting of the members of the Water Authority for the election of officers and the transaction of such other business as may properly come before it, shall be held at the office of the Water Authority in the City of Buffalo, New York, on the first regularly scheduled board meeting after the 27th day of April of each and every year at [4:00 o'clock in the afternoon] a time directed by the Chairman of the Authority.

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 12-17 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 18 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. 2010-09, 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, April 1, 2010.

Matthew J. Baudo
Secretary to the Authority/Personnel Director

SLZ