

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 1st day of April, 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. Riestler, Director of Administration
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 Wednesday, March 17, 2010.

III. - APPROVAL OF MINUTES

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve the Minutes of the Meeting held on Wednesday, March 17, 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 3-22)

ITEM 3 - RAYMOND V. SPENGLER – RETIREMENT

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Raymond V. Spengler, Construction Inspector, will retire from the Erie County Water Authority effective April 17, 2010; and

WHEREAS, Raymond V. Spengler has been employed at the Authority for over sixteen years and during that period has rendered to the Authority outstanding, dedicated service that will truly be missed;

NOW, THEREFORE, BE IT RESOLVED:

That, on behalf of the Erie County Water Authority, we would like to congratulate Raymond and express our sincere appreciation for his service and cooperative spirit throughout his tenure at the Authority; and be it further

RESOLVED: That the Board of Commissioners extends best wishes to Raymond for health, happiness and longevity in retirement; and be it further

RESOLVED: That a copy of this resolution be presented to Raymond V. Spengler at the Authority=s Board meeting on April 1, 2010.

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

ITEM 4 - JOHN M. SLOMBA, JR. – RETIREMENT

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, John M. Slomba, Jr., Sr. Engineering Draftswoman, will retire from the Erie County Water Authority effective April 10, 2010; and

WHEREAS, John M. Slomba, Jr. has been employed at the Authority for over twenty-one years and during that period has rendered to the Authority outstanding, dedicated service that will truly be missed;

NOW, THEREFORE, BE IT RESOLVED:

That, on behalf of the Erie County Water Authority, we would like to congratulate John and express our sincere appreciation for his service and cooperative spirit throughout his tenure at the Authority; and be it further

RESOLVED: That the Board of Commissioners extends best wishes to John for health, happiness and longevity in retirement; and be it further

RESOLVED: That a copy of this resolution be presented to John M. Slomba, Jr. at the Authority=s Board meeting on April 1, 2010.

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 1998A - \$49,350.42

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Susan Rinaldo, Cash Manager advised under date of March 10, 2010 that there was available on April 1, 2010 the following amounts in the Debt Service Fund Water Works System Revenue Refunding Bonds, Series 1998A:

Principal Account \$33,750.00
Interest Account \$15,600.42

and has recommended that the Manufacturers & Traders Trust Company, as Fiscal Agent, be authorized to invest from the Interest Account, in the amount of \$15,600.42 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, Comptroller, in authorizing the Manufacturers & Traders Trust Company to invest from the Interest Account in the amount of \$15,600.42 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 6 - RATIFICATION OF THE INVESTMENT OF FUNDS FROM THE MANUFACTURERS & TRADERS TRUST COMPANY, DEBT SERVICE FUND WATER WORKS SYSTEM REVENUE REFUNDING BONDS, SERIES 1998B - \$110,669.25

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Susan Rinaldo, Cash Manager advised under date of March 10, 2010 that there was available on April 1, 2010 the following amounts in the Debt Service Fund Water Works System Revenue Refunding Bonds, Series 1998B:

Interest Account	\$41,502.58
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 \$20,751.29 to mature in time for the April 15, 2010 and invest from the Interest Account, in the amount of \$20,751.29 to mature in time for the October 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, Comptroller, in authorizing the Manufacturers & Traders Trust Company to invest from the Interest Account in the amount of \$20,751.29 to mature in time for the April 15, 2010 and invest from the Interest Account, in the amount of \$20,751.29 to mature in time for the October 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 7 - 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 March 10, 2010 that there was available on April 1, 2010 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 July 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, Comptroller, 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 July 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 8 - RATIFICATION OF THE INVESTMENT OF FUNDS FROM THE MANUFACTURERS & TRADERS TRUST COMPANY, DEBT SERVICE FUND WATER WORKS SYSTEM REVENUE REFUNDING BONDS, SERIES 2007 - \$187,749.06

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Susan Rinaldo, Cash Manager advised under date of March 10, 2010 that there was available on March 25, 2010 the following amounts in the Debt Service Fund Water Works System Revenue Refunding Bonds, Series 2007:

Interest Account	\$132,749.06
Principal Account	\$ 55,000.00

and has recommended that the Manufacturers & Traders Trust Company, as Fiscal Agent, be authorized to invest from the Interest Account, in the amount of \$132,749.06 to mature in time for the June 1, 2010 Interest Payment at the highest yield to maturity to 2007 Bondholders and invest from the Principal Account in the amount of \$55,000.00 to mature in time for the December 1, 2010 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, Comptroller, in authorizing the Manufacturers & Traders Trust Company to invest from the Interest Account in the amount of \$132,749.06 to mature in time for the June 1, 2010 Interest Payment at the highest yield to maturity to 2007 Bondholders and invest from the Principal Account in the amount of \$55,000.00 to mature in time for the December 1, 2010 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 9 - RATIFICATION OF THE INVESTMENT OF FUNDS FROM THE MANUFACTURERS & TRADERS TRUST COMPANY, DEBT SERVICE FUND WATER WORKS SYSTEM REVENUE REFUNDING BONDS, SERIES 2008 - \$490,816.67

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Susan Rinaldo, Cash Manager advised under date of March 10, 2010 that there was available on March 25, 2010 the following amounts in the Debt Service Fund Water Works System Revenue Refunding Bonds, Series 2008:

Interest Account \$168,316.67
Principal Account \$322,500.00

and has recommended that the Manufacturers & Traders Trust Company, as Fiscal Agent, be authorized to invest from the Interest Account, in the amount of \$168,316.67 to mature in time for the June 1, 2010 Interest Payment at the highest yield to maturity to 2008 Bondholders and invest from the Principal Account in the amount of \$322,500.00 to mature in time for the December 1, 2010 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, Comptroller, in authorizing the Manufacturers & Traders Trust Company to invest from the Interest Account in the amount of \$168,316.67 to mature in time for the June 1, 2010 Interest Payment at the highest yield to maturity to 2008 Bondholders and invest from the Principal Account in the amount of \$322,500.00 to mature in time for the December 1, 2010 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 10 - AWARD OF CONTRACT TO TRIAD SYNERGY GROUP, INC. FOR THE FURNISHING, DELIVERING AND INSTALLING OF HAZARDOUS ATMOSPHERE – CONFINED SPACE MONITORING EQUIPMENT, PROJECT NO. 200900128 - \$41,730.00

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 17th day of February, 2010, and in Business First on the 19th day of February, 2010, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for the furnishing, delivering and installing of hazardous atmosphere – confined space monitoring equipment; and

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

BIDDERS	AMOUNT
DiVal Safety Equipment, Inc.	\$29,804.00
Triad Synergy Group, Inc.	41,730.00; and

WHEREAS, Edward J. Kuwik, Sr. Distribution Engineer advised that the apparent low bidder's equipment fails to insure the safety of the Authority's employees in accordance with the Authority's bid requirements and therefore recommends that this bid be rejected as non-responsive; and

WHEREAS, As a result of the above information, Wesley C. Dust, Executive Engineer and Edward J. Kuwik, Sr. Distribution Engineer recommend that bid number 1 be deemed non-responsive and that the contract be awarded to the second lowest bidder, Triad Synergy Group, Inc.; and

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

WHEREAS, Inasmuch as said contract is under the limit of \$100,000 and complies with the Authority's Affirmative Action Policy, Robert Brown, Director of Equal Employment Opportunity, recommends that Triad Synergy Group, Inc. proceed with their contract; and

WHEREAS, Wesley C. Dust, P.E., Executive Engineer and Edward J. Kuwik, Sr. Distribution have reviewed the specifications and bids and determined that Triad Synergy Group, Inc. is the next lowest responsive 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 the Authority deem bid number 1 non-responsive and award said project to the second lowest bidder in accordance with the terms and conditions stated in Paragraph 5 of the Instructions to Bidders Section of the specification and contract documents; and be it further

RESOLVED: That it is hereby determined that Triad Synergy Group, Inc. is the lowest responsive 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 furnishing, delivering and installing of hazardous atmosphere – confined space monitoring equipment in the total amount of \$41,730.00; 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 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 11 - AWARD OF CONTRACT TO BIRCH GROVE LANDSCAPING & NURSERY, INC. FOR AREA NO. 1 RESTORATION APRIL 1, 2010 THROUGH MARCH 31, 2012, PROJECT NO. 201000011 - \$2,447,580.00

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 24th day of February 2010, and in Business First on the 26th day of February 2010, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for Area No. 1 Restoration April 1, 2010 through March 31, 2012; and

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

BIDDERS	AMOUNT
Birch Grove Landscaping & Nursery, Inc.	\$2,447,580.00
Occhino Corp.	2,479,011.90*
Amherst Paving, Inc.	3,185,330.00

*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, Birch Grove Landscaping & Nursery, 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, Wesley C. Dust, P.E., Executive Engineer and Richard M. Rosenberry, Sr. Distribution Engineer have reviewed the specifications and bids and determined that Birch Grove Landscaping & Nursery, 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 Birch Grove Landscaping & Nursery, 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 Area No. 1 Restoration April 1, 2010 through March 31, 2012 in the total amount of \$2,447,580.00; 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 12 - AWARD OF CONTRACT TO OCCHINO CORP. FOR AREA NO. 2 RESTORATION APRIL 1, 2010 THROUGH MARCH 31, 2012, PROJECT NO. 201000012 - \$2,469,713.45

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 24th day of February 2010, and in Business First on the 26th day of February 2010, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for Area No. 2 Restoration April 1, 2010 through March 31, 2012; and

WHEREAS, Sealed bids or proposals were opened in the office of the Authority on the 9th day of March, 2010, at 11:15 a.m., local time, and were as follows:

BIDDERS	AMOUNT
Occhino Corp.	\$2,469,713.45*
Amherst Paving, Inc.	3,119,202.25*

*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, Occhino Corp. 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, Wesley C. Dust, P.E., Executive Engineer and Richard M. Rosenberry, Sr. Distribution Engineer have reviewed the specifications and bids and determined that Occhino Corp. 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 Occhino Corp. 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 Area No. 2 Restoration April 1, 2010 through March 31, 2012 in the total amount of \$2,469,713.45; 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 13 - APPROVAL OF CHANGE ORDER NO. 1 OF MILLER ENTERPRISES, INC. FOR VAN DE WATER TREATMENT PLANT RENOVATION-CEILING REPLACEMENT, ERIE COUNTY, NEW YORK, PROJECT NO. 200900155, CONTRACT NO. 09-22-12 - \$4,474.50

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore and on the 5th day of March, the Erie County Water Authority ("Authority") entered into a contract with Miller Enterprises, Inc. for Van De Water Treatment Plant, identified as Contract No. 09-22-12; and

WHEREAS, Said contractor has submitted Change Order No. 1 in the sum of \$4,474.50 to provide for additional ceiling replacement; and

WHEREAS, The reason for said change is because the drawings for base bid were not accurate; and

WHEREAS, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend approval of said Change Order No. 1;

NOW, THEREFORE, BE IT RESOLVED:

That Change Order No. 1 of Miller Enterprises, Inc. in the amount of \$4,474.50 to provide for the abovementioned change be approved; and be it further

RESOLVED: That the Chairman be and he hereby is authorized to execute said Change Order No. 1 on behalf of the Authority.

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

**ITEM 14 - AUTHORIZATION TO GRANT LEAK ALLOWANCE REQUESTS –
\$3,747.41**

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) David Burkard
51 Randolph Avenue
Buffalo, NY 14211
\$947.97 | 3) Lee Occhino
2260 Seneca Street
West Seneca, NY 14224
\$584.28; and |
| 2) Hampton Hill Villa Condos
Hampton Hill Drive
Williamsville, NY 14221
\$2,215.16 | |

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 15 - AUTHORIZATION TO FILE THE PUBLIC AUTHORITY REPORTING INFORMATION SYSTEM (PARIS) 2009 ANNUAL REPORT TO THE NEW YORK STATE AUTHORITY BUDGET OFFICE

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, In accordance with the Public Authority Reform Act of 2005, the Erie County Water Authority (Authority) is required to file an Annual Report which reflects the 2009 results of operations and other supporting information; and

WHEREAS, The certification statement must be affirmatively answered confirming that the Report has been presented to and accepted by the Board before the submission of the data; and

WHEREAS, The Authority authorizes the Deputy Director as Chief Financial Officer (CFO) and the Executive Director as Chief Executive Officer (CEO);

NOW, THEREFORE, BE IT RESOLVED:

That the Deputy Director as CFO and the Executive Director as CEO are hereby authorized to file the Public Authority Reporting Information System 2009 Annual Report to the New York State Authority Budget Office.

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

ITEM 16 - DAVID JUDA - LEAVE OF ABSENCE

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to grant David Juda a leave of absence from his permanent position of Water Treatment Plant Operator during his full-time temporary appointment as Pump Mechanic effective March 22, 2010.

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

ITEM 17 - CREATION OF ONE POSITION – ASSISTANT MANAGER OF ACCOUNTING SERVICES

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Pursuant to Article V, Title 3, Section 1053 of the Public Authorities Law, the Erie County Water Authority (“Authority”) has the authority to appoint an attorney and an engineer and such additional officers and employees as it may require for the performance of its duties, fix and determine their qualifications, duties and compensation, subject to the provisions of the Civil Service Law of the State of New York and such rules as the Personnel Officer of the Count of Erie may adopt and make applicable to such authority; and

WHEREAS, Article V, Section 6 of the By-Laws of the Erie County Water Authority grants to the Authority the right to name and appoint from time to time an attorney or engineer and employees as it may require for the performance of its duties, fix their qualification, duties and compensation, subject to the provisions of the Civil Service Law of the State of New York;

NOW, THEREFORE, BE IT RESOLVED:

That the Erie County Water Authority does hereby create the position of Assistant Manager of Accounting Services, Salary Grade 26E of the Authority’s Career and Salary Plan, subject to the review and approval of the Erie County Personnel Officer effective April 1, 2010.

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

**ITEM 18 - AGREEMENT BETWEEN ROBERT A. MENDEZ, EXECUTIVE
DIRECTOR AND THE ERIE COUNTY WATER AUTHORITY**

Unanimous motion and second

WHEREAS, During recent years, the Erie County Water Authority ("ECWA") has expanded its service area with the consolidation of the Village of Depew, Village of Lancaster, the Town of Clarence, Orchard Park and City of Tonawanda water systems and expansion of its service areas to Newstead, Concord, Marilla, Eden and Boston; and

WHEREAS, ECWA has committed resources to work with the County of Erie and other local governments to determine the feasibility and potential costs of serving areas not served by ECWA, or to address problems communities are experiencing in obtaining a reliable source of potable water; and

WHEREAS, The ECWA is in the process of consolidation of the Town of Evans Bulk Service Area to an ECWA lease managed area and the consolidation of the Town of Hamburg to a direct service area; and

WHEREAS, The ECWA is in the initial stages of consolidation with the Village of Blasdell and has begun discussions with the Village of Williamsville; and

WHEREAS, While ECWA continues to expand its customer base, the total number of employees has decreased over the years; and

WHEREAS, Also, during recent years, a number of management improvements were implemented to help stabilize water rates, finance capital needs and keep costs down; and

WHEREAS, The ECWA's independent auditors have made recommendations regarding the appropriate level of personnel on observing that certain key employees, are at or nearing retirement age and that the Authority formulate an appropriate succession plan; and

WHEREAS, The Board of Commissioners of the Erie County Water Authority has made a determination that qualified, senior staff personnel are essential to the mission of the Authority and to the continued success of serving the public good; and

WHEREAS, In order to maintain the continuity of professional management for the ECWA during a period of dynamic growth, it is desirable and appropriate to offer an employment contract, with a severance agreement contained therein, to the Executive Director; and

WHEREAS, Mark J. Fuzak, Attorney for the ECWA, has reviewed the employment contract, including the severance agreement, and has approved the same as to form;

NOW, THEREFORE, BE IT RESOLVED:

That the Chairman of the Erie County Water Authority is authorized to execute an employment contract, including a severance agreement, with the Executive Director.

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

ITEM 19 - 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 20 - 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 12-16 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 21 - 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 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 22 - SERVICE CONNECTION WORK ORDER LIST:

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve Service Connection Work Order Nos. 2010-11 and 2010-12, 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 15, 2010.

Matthew J. Baudo
Secretary to the Authority/Personnel Director

PF