

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 350 Ellicott Square Building, Buffalo, New York, on the 15th 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
Paul H. Riestler, 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
Susan L. Rinaldo, Cash Manager
Anthony Alessi, Claims Representative/Risk Manager
John Hanley, Manager of Data Processing

ATTENDEES: Danielle Elliott
Timothy Cashmore

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, April 1, 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, April 1, 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 - 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 1-17 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.

VI. - UNFINISHED BUSINESS (NONE)

VII. - NEW BUSINESS (RESOLUTIONS 2-8)

ITEM 2 - AUTHORIZATION TO SOLICIT REQUEST FOR PROPOSALS FOR INSURANCE PROTECTION PROGRAM FOR 2010-2011

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 (the Authority) has the authority to contract for expert professional services; and

WHEREAS, Article III, Section 6 of the Authority's By-Laws grants to the Authority the right to contract for expert professional services; and

WHEREAS, The Authority deems it necessary to issue a Request for Proposal (RFP) to qualified firms to provide an Insurance Protection Program for 2010-2011; and

WHEREAS, The proposals received by the Authority will be evaluated in accordance with the terms of the RFP, and a professional services contract will be negotiated and executed with the successful offerer; and

WHEREAS, The RFP for an Insurance Protection Program for 2010-2011 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 J. Lichtenthal, Jr., Deputy Director, will be the designated contact person for the RFP with the adoption of this resolution;

NOW, THEREFORE BE IT RESOLVED:

The Authority is hereby authorized to issue a RFP to qualified firms to provide an Insurance Protection Program for 2010-2011.

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

ITEM 3 - AUTHORIZATION FOR PAUL RIESTER, DIRECTOR OF ADMINISTRATION TO ATTEND THE NEW YORK STATE SAMPO SPRING CONFERENCE IN LAKE GEORGE, NEW YORK

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Erie County Water Authority deems it advisable for Paul Riester, Director of Administration to attend the New York State SAMPO Spring Conference in Lake George, New York at a total estimated cost of \$300;

NOW, THEREFORE, BE IT RESOLVED:

That Paul Riester, Director of Administration be and he is hereby authorized to travel to Lake George, New York from May 11, 2010 to May 12, 2010 to attend the New York State Spring Conference at a total estimated cost of \$300.

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

ITEM 4 - TODD KLUBEK - LEAVE OF ABSENCE WITHOUT PAY

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to grant Todd Klubek, Automotive Mechanic a leave of absence without pay for the period May 1, 2010 to May 31, 2010.

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

ITEM 5 - AUTHORIZATION OF EXECUTION AND DELIVERY OF CLOSING CERTIFICATE AND SUPPLEMENTAL AGREEMENT WITH NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION IN CONNECTION WITH ERIE COUNTY WATER AUTHORITY'S FOURTH RESOLUTION WATER REVENUE BONDS, SERIES 1998B

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, On April 30, 1998, the Authority adopted a Supplemental Resolution (the "Supplemental Resolution") under the Fourth General Water Revenue Bond Resolution of the Authority, authorizing the issuance of \$18,759,223 Fourth Resolution Water Revenue Bonds, Series 1998B (the "Series 1998B Bonds"); and

WHEREAS, In conjunction with the issuance and sale of the Series 1998B Bonds, the Authority entered into a Project Financing and Loan Agreement with the New York State Environmental Facilities Corporation ("EFC") providing for the purchase by EFC of the Series 1998B Bonds using the proceeds of EFC's Series 1998D Bonds (the "EFC Bonds"), and for certain related matters, including without limitation an interest rate subsidy to reduce the cost to the Authority of the Series 1998B Bonds; and

WHEREAS, EFC is proposing to refund the EFC Bonds in order to reduce its interest costs and to pass through such interest savings to its conduit borrowers, including the Authority, by means of an increased subsidy which will be credited to recipient bonds, including the Series 1998B Bonds; and

WHEREAS, In order to participate in such program, the Authority must execute and deliver a Closing Certificate and Supplemental Agreement (the "Supplemental Agreement") in the form presented to this meeting of the Board of Commissioners of the Authority; and

WHEREAS, Robert J. Lichtenthal, Jr., the Deputy Director of the Authority, Susan Rinaldo, the Cash Manager of the Authority; and Timothy C. Cashmore of Damon Morey LLP, bond counsel to the Authority, have reviewed the proposed Supplemental Agreement and discussed its contents with representatives of EFC, and have recommended to this Board that it approve and authorize execution and delivery of the Supplemental Agreement;

NOW, THEREFORE, BE IT RESOLVED: That the Authority approves the Supplemental Agreement as proposed; and be it further

RESOLVED: That the Chairman, or his designee, be and he hereby is authorized and directed to execute the Supplemental Agreement with such changes, additions or modifications as the Chairman or his designee deem proper and in the best interest of the Authority, and to deliver the executed Supplemental Agreement to EFC; and be it further

RESOLVED: That the Chairman and the Secretary, or their respective designees, be and they hereby are authorized and directed to execute and deliver all ancillary instruments and certificates as the Chairman, the Secretary or their respective designees deem proper in connection with the foregoing resolutions.

Ayes: Three; Comms. Swiatek, Vacco and Warthling

Noes: None

ITEM 6 - 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 18-28 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 7 - 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 29 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 8 - SERVICE CONNECTION WORK ORDER LIST:

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve Service Connection Work Order Nos. 2013-13 and 2014-14, 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 Friday, April 30, 2010.

Matthew J. Baudo
Secretary to the Authority/Personnel Director

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