

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 350 Ellicott Square Building, Buffalo, New York, on the 30th 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

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, April 15, 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 15, 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 pages 1-15 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 2-19)

ITEM 2 - 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 April 7, 2010 that there was available on April 30, 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

04/30/10

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 3 - RATIFICATION OF THE INVESTMENT OF FUNDS FROM THE MANUFACTURERS & TRADERS TRUST COMPANY, DEBT SERVICE FUND WATER WORKS SYSTEM REVENUE REFUNDING BONDS, SERIES 1998B - \$110,669.38

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Susan Rinaldo, Cash Manager advised under date of April 7, 2010 that there was available on April 30, 2010 the following amounts in the Debt Service Fund Water Works System Revenue Refunding Bonds, Series 1998B:

Interest Account	\$41,502.71
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 \$41,502.71 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 \$41,502.71 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 4 - 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 April 7, 2010 that there was available on April 30, 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 5 - 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 April 7, 2010 that there was available on April 16, 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 6 - 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 April 7, 2010 that there was available on April 16, 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 7 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH HI-TECH SERVICES TO PROVIDE INFORMATION TECHNOLOGY CONSULTING AND SUPPORT SERVICES, CONTRACT NO. HT-005, PROJECT NO. 201000092 AND AUTHORIZATION TO REDUCE THE PROFESSIONAL LIABILITY INSURANCE COVERAGE

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 information technology consulting and support services on March 3, 2010; and

WHEREAS, A copy of the RFP was sent to:

Computer Consulting Services of WNY, Inc.
Computer Task Group
Hi-Tech Computer Systems, Inc.
Professional Support, Inc.
Computerpeople
Systems Personnel Group, Inc.
Globalquest Staffing Solutions, Inc.

Personnel Resource, Inc.
Computer Solutions Unlimited
VITEC Solutions, LLC
AURORA Consulting Group
Superior Group
DCM Staffing; and

WHEREAS, The respondents to the RFP were: VITEC Solutions, LLC and Hi-Tech Computer Systems, 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 Hi-Tech Services render professional information technology consulting and support services; and

WHEREAS, Hi-Tech Services have committed to a three-year period to render information technology consulting and support services, commencing June 1, 2010 and, at the Authority's option, to enter into one additional three-year agreement renewal; and

WHEREAS, The Authority's Risk Assessment for this project requires the contractor carry Professional Liability insurance in the amount of \$5,000,000; and

WHEREAS, Matthew J. Baudo, Secretary to the Authority advises that Hi-Tech Services carries only \$1,000,000 in Professional Liability insurance; and

WHEREAS, Matthew J. Baudo, Secretary to the Authority deems it necessary and Robert J. Lichtenthal, Jr., Deputy Director and Anthony Alessi Claims Rep./Risk Manager, deem it acceptable to reduce the \$5,000,000 Professional Liability insurance requirement to \$1,000,000 in order to award the project to Hi-Tech Services for the abovementioned project; and

WHEREAS, Matthew J. Baudo, Secretary to the Authority and Robert A. Mendez, Executive Director recommend that the Authority enter into an agreement with Hi-Tech Services and reduce the \$5,000,000 Professional Liability insurance requirement to \$1,000,000 for the abovementioned project;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority accepts the proposal of Hi-Tech Services to provide information technology consulting and support services; and be it further

RESOLVED: That the Authority is hereby authorized to reduce the \$5,000,000 Professional Liability insurance requirement to \$1,000,000 for the abovementioned project; 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 Hi-Tech Services.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 8 - AUTHORIZATION TO CONVEY LAND AT 450 WHERLE DRIVE FROM THE ERIE COUNTY WATER AUTHORITY TO THE TOWN OF AMHERST

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Erie County Water Authority (Authority) is currently the owner of a landlocked parcel of land in the Town of Amherst (Town) which contains a driveway that provides access for vehicles to the Wherle Tank in the Town; and

WHEREAS, It has come to the attention of the Authority that the Central Amherst Little League currently has baseball diamonds and other facilities that are located on the parcel and infringe on the property owned by the Authority; and

WHEREAS, It is a mutual benefit for the Town and Authority to convey ownership of the parcel of land to the Town as a result of liability concerns regarding the use of the parcel by the Central Amherst Little League; and

WHEREAS, Transfer of ownership of the land to the Town will not impede the operations of the Authority; and

WHEREAS, The Deed transferring the property provides that the Authority reserves a perpetual easement to the Authority for both ingress and egress for motor vehicles and utilities below, upon and above the landlocked parcel; and

WHEREAS, The Deed also prohibits any impediments or encumbrances in the use of the perpetual easement, which runs to the Authority, its authorized agents, successors and/or assigns; and

WHEREAS, The easement also includes a provision requiring the Town to maintain the property and easement, releasing and indemnifying the Authority from any liability in regard to such maintenance; and

WHEREAS, The Town Board of the Town of Amherst on April 26, 2010 unanimously adopted a resolution authorizing the transfer of the property from the Authority to the Town as set forth above; and

WHEREAS, Mark J. Fuzak, Counsel, Wesley C. Dust, Executive Engineer and Robert A. Mendez, Executive Director recommend transferring and donating the parcel to the Town of Amherst and execution of said Deed; and be it further

NOW, THEREFORE BE IT RESOLVED:

That the Authority will convey the parcel including reservation of easement attached hereto as Schedule "A" to the Town in consideration of which the Town shall maintain said easement and property; and be it further

RESOLVED: The Chairman of the Authority hereby is authorized to execute the Deed and related documents on behalf of the Authority which are necessary to carry out the transfer of the parcel to the Town of Amherst.

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

SCHEDULE "A"

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Amherst, County of Erie and State of New York, being part of Lot 31, Township 11, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the northerly boundary of Wehrle Drive, which point is also the southeast corner of premises conveyed to the Grantor herein, by deed recorded in Liber 9389 of Deeds at Page 85; thence northerly along the westbound of premises hereinbefore referenced a distance of 701.28 feet to a point, which point is also the southeast corner of premises conveyed to the Grantor herein by deed recorded in Liber 9387 of Deeds at page 141; thence southeasterly at an included angle of 68.55' 07", a distance of 48.23', to a point, which point is in the eastbound of premises hereinbefore referenced by deed recorded in Liber 9389 of Deeds at Page 85; thence at an included angle of 111° 04' 53" southerly along the eastbound of premises herein described a distance of 683.93 feet to a point located in the northerly boundary of Wehrle Drive; thence westerly along the northerly boundary of Wehrle Drive a distance of 45 feet to a point to the place of beginning, containing .72 acres more or less.

The Grantor herein reserves onto itself, its authorized agents, its successors and/or assigns, a perpetual easement over the property described herein for the purpose of ingress and egress of utilities below upon or above the easement and all motor vehicles. The easement shall not be impeded or encumbered by any barrier, fence or gate which interferes with the use of the easement by the Grantor for ingress and egress of any and all of its motor vehicles. In addition, the Grantee shall be fully responsible for the proper maintenance and upkeep of the premises of the easement and shall hold the Grantor harmless and agree to indemnify the Grantor in the event of any claim arising from the obligation of upkeep and maintenance of the right-of-way easement.

ITEM 9 - AUTHORIZATION TO ACCEPT PROPOSAL OF CITY OF LACKAWANNA FOR THE CONSTRUCTION AND INSTALLATION OF APPROXIMATELY 1,850 LINEAR FEET OF EIGHT (8") INCH PVC WATERMAIN, EIGHTY (80) LINEAR FEET OF EIGHT (8") INCH DUCTILE IRON PIPE AND FOUR (4) HYDRANTS IN MICHELLE DRIVE SUBDIVISION, LACKAWANNA, NEW YORK, PROJECT NO. 200900258, EC NO. 5939

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Erie County Water Authority ("Authority") desires to enter into a Main Extension Agreement (Builder-Contractor-Developer) with the City of Lackawanna for the installation of approximately 1,850 linear feet of eight (8") inch PVC watermain, eighty (80) linear feet of eight (8") inch ductile iron pipe and four (4) hydrants in Michelle Drive Subdivision, Lackawanna, New York; and

WHEREAS, The materials, work, labor and services for said installation shall be supplied and paid for by the applicant; and

WHEREAS, Said installation of main and hydrants has been assigned Work Authorization No. EC-5939; and

WHEREAS, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director advised that the materials, work, labor and services for said installations, as proposed to be supplied and installed by the applicant, meet with the Authority's specifications;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority accepts the proposal of the City of Lackawanna for the installation of approximately 1,850 linear feet of eight (8") inch PVC watermain, eighty (80) linear feet of eight (8") inch ductile iron pipe and four (4) hydrants in Michelle Drive Subdivision, Lackawanna, New York; and be it further

RESOLVED: That the Chairman be and he hereby is authorized to execute said Main Extension Agreement (Builder-Contractor-Developer) between the Authority and the City of Lackawanna covering the abovementioned subdivision.

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

ITEM 10 - AUTHORIZATION TO ENTER INTO AN AGREEMENT IN CONNECTION WITH COST OF RELOCATING MUNICIPALLY OWNED FACILITIES MAINTAINED FOR PUBLIC USE WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR US ROUTE 62, SOUTH PARK AVE., SH 2, REF. RTE. 951E, BIG TREE ROAD, SH 1586, TOWN OF HAMBURG, ERIE COUNTY, PROJECT NO. 200700044, IDENTIFIED AS PIN NO. 5308.20 - \$3,362.00

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, By Erie County Water Authority ("Authority") resolution dated November 30, 2009, the Authority entered into a Preliminary Utility Work Agreement with the New York State Department of Transportation ("NYSDOT") for US Route 62, South Park Ave., SH2, Ref. Rte. 951E, Big Tree Road, SH 1586, Town of Hamburg, Erie County, identified as PIN No. 5308.20 at a total estimated cost of \$3,362.00, which will be reimbursed by the State of New York either in full or in part; and

WHEREAS, Under date of April 7, 2010 NYSDOT submitted a copy of a proposed Agreement in Connection with Cost of Relocating Municipally Owned Facilities Maintained for Public Use in the total amount of \$3,362.00 covering the reimbursable costs of US Route 62, South Park Ave., SH2, Ref. Rte. 951E, Big Tree Road, SH 1586, Town of Hamburg, Erie County, identified as PIN No. 5308.20; and

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

NOW, THEREFORE, BE IT RESOLVED:

That the Chairman be and he hereby is authorized and directed and directed to enter into an Agreement in Connection with Cost of Relocating Municipally Owned Facilities Maintained for Public Use with the NYSDOT in the total amount of \$3,362.00, which covers US Route 62, South Park Ave., SH2, Ref. Rte. 951E, Big Tree Road, SH 1586, Town of Hamburg, Erie County, identified as PIN No. 5308.20; and be it further

RESOLVED: That the Secretary be and he hereby is authorized to forward the original and four copies of the executed Agreement, together with four copies of this enabling resolution to Richard Lunz, Regional Utilities Engineer, New York State Department of Transportation, 100 Seneca Street, Buffalo, New York, 14203.

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

ITEM 11 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE FURNISHING AND DELIVERING OF BOOSTER PUMPS FOR THE ERIE COUNTY WATER AUTHORITY, PROJECT NO. 201000077

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 Booster Pumps for the Erie County Water Authority; 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 Booster Pumps for the Erie County Water Authority 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, Jay Meyers, 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 furnishing and delivering of Booster Pumps for the Erie County Water Authority 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 12 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE FURNISHING AND DELIVERING OF TWO NEW AND UNUSED BACKHOE TRAILERS (ECWA NOS. 701 AND 702), PROJECT NO. 201000079

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 two new and unused backhoe trailers (ECWA Nos. 701 and 702); 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 two new and unused backhoe trailers (ECWA Nos. 701 and 702) 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 two new and unused backhoe trailers (ECWA Nos. 701 and 702) 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 13 - AUTHORIZATION TO GRANT LEAK ALLOWANCE REQUESTS -
\$1,686.14**

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) BGMHC LLC | 2) Gary Toner |
| 3607 Big Tree Road | 36 Boynton Ave. |
| Hamburg, NY 14075 | Buffalo, NY 14206 |
| \$1,097.14 | \$589.00; and |

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 14 - AUTHORIZATION TO GRANT A ONE-TIME COURTESY REVERSAL OF DELINQUENT CHARGES FOR THE BUFFALO BILLS (RALPH WILSON STADIUM) - \$835.89

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore and on the 6th day of May, 2004 the Erie County Water Authority ("Authority") adopted a One-Time Courtesy Delinquent Charge Reversal Policy; and

WHEREAS, Said Policy states that if the Authority receives a request to waive a late fee over \$500, the request must be approved by the Board of Commissioners of the Authority; and

WHEREAS, Karen A. Prendergast, Comptroller, advised the Authority that she has received a request to waive the delinquent charges for the Buffalo Bills (Ralph Wilson Stadium); and

WHEREAS, Ms. Prendergast advised that this customer has never received a waiver of late fees in the past; and

WHEREAS, Said request has complied with all one-time courtesy delinquent charge reversal requirements; and

WHEREAS, Karen A. Prendergast, Comptroller, recommends granting the above request; and

WHEREAS, Robert J. Lichtenthal, Jr., Deputy Director, concurs with said recommendation;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority grant the one-time courtesy delinquent charge reversal request to the abovementioned customer; and be it further

RESOLVED: That the Comptroller is hereby authorized and directed to adjust the account of the abovementioned customer.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 15 - AUTHORIZATION FOR PAUL WHITTAM, DIRECTOR OF WATER QUALITY TO ATTEND THE 2010 WATER LABORATORY ALLIANCE SECURITY SUMMIT IN SAN FRANCISCO, CALIFORNIA

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Erie County Water Authority deems it advisable for Paul Whittam, Director of Water Quality to attend the 2010 Water Laboratory Alliance Security Summit in San Francisco, California at no cost to the Authority;

NOW, THEREFORE, BE IT RESOLVED:

That for Paul Whittam, Director of Water Quality be and he is hereby authorized to travel to San Francisco, California from June 15, 2010 to June 17, 2010 to attend the 2010 Water Laboratory Alliance Security Summit at no cost to the Authority.

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

ITEM 16 - AUTHORIZATION TO AMEND ITEM #21 OF THE MEETING HELD ON DECEMBER 30, 1991 ESTABLISHING A WORK DAY FOR THE COMMISSIONERS OF THE ERIE COUNTY WATER AUTHORITY

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore on the 30th day of December, 1991, the Erie County Water Authority (Authority) adopted a resolution establishing a work day for the Commissioners of the Erie County Water Authority; and

WHEREAS, The State of New York has amended Title 2 NYCRR, Chapter VI, by adding a new Section 315.4, entitled "*Additional reporting requirements for elected or appointed officials of a participating employer*". The amendment is as follows:

Section 315.4 (a) requires an elected or appointed official record his or her work activities for a period of three consecutive months. Such record shall be maintained unless the elected or appointed official participates in the daily time recording process or does not participate in the New York State Retirement System. Such record of activities shall be submitted within 150 days of taking office. An elected or appointed official that has prepared a record of activities pursuant to this subdivision for a previous term may certify in writing to the governing board within 180 of taking office that his or her duties, responsibilities and hours have not substantially or materially changed. Such record of work

activities shall not be valid for more than eight years from the date the record was initially maintained. Each such record shall be maintained for a period of ten years by the Secretary to the Authority and provided to the State Comptroller upon his or her request.

Section 315.4 (b) requires the adoption of a “*Standard Work Day and Reporting Resolution*”. The resolution shall establish (i) the number of hours prescribed as a standard work day for each such elective or appointed office or position; (ii) the expiration of the term for each such office or position; (iii) that the employer maintain an actual daily record of time worked for the elected or appointed official or that the official holding the office has recorded and submitted to the Clerk his or her work activities for a period of three consecutive months; and (iv) for each elected and appointed official who has submitted a record of work activities, the total number of days per month to be reported based upon such record of work activities.

Section 315.4 (c) requires that said resolution be posted on the Authority web site for a minimum of 30 days and a certified copy of such resolution along with an affidavit of posting shall be filed with the State Comptroller within 45 days of adoption; and

WHEREAS, The Erie County Water Authority has complied with the State of New York’s requirements with regard to the normal work day for Commissioners and will continue to Comply with the State of New York by constituting six hours as the normal work day for the following appointed officials in accordance with Title 2 NYCRR, Chapter VI, Section 315.4:

Member ECWA (Chairman)
 Member ECWA (Vice-Chairman)
 Member ECWA (Treasurer)

NOW, THEREFORE, BE IT RESOLVED:

That each such Member shall submit to the Secretary of the Authority within 150 days of taking office either a three month record of work activities, or the approved Erie County Water Authority Record of Work Activities Certification form (Attached hereto as Schedule “A”), and the Secretary is hereafter directed to maintain such submittals for the Board for not less than ten years all in accordance with Title 2 NYCRR, Chapter VI, Section 315.4; and be it further

RESOLVED: That the Secretary to the Authority is also directed to complete the approved Erie County Water Authority Standard Work Day Reporting Certification (Attached

hereto as Exhibit "B"), submit said certification to the State Comptroller's Office along with a certified copy of this resolution within forty five days, to post same on the Erie County Water Authority's web site for not less than 30 days, and submit the approved affidavit of posting to the State Comptroller's Office (Attached hereto as Exhibit "C"), all in accordance with Title 2 NYCRR, Chapter VI, Section 315.4; and be it further

RESOLVED: That the Erie County Water Authority adopts this as the Standard Work Day and Reporting Resolution for the Members of the Erie County Water Authority.

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



SCHEDULE A

ERIE COUNTY WATER AUTHORITY

RECORD OF WORK ACTIVITIES CERTIFICATION

I _____ serving as Member ECWA _____,
hereby certify, that I have prepared a record of activities for a previous term, and that my duties,
responsibilities and hours have not substantially or materially changed.

Signature



SCHEDULE B
ERIE COUNTY WATER AUTHORITY
STANDARD WORK DAY REPORTING
CERTIFICATION

Title	Name	Standard Work Day (Hrs/day)	Term	Participates in Retirement System	Participates in Time Keeping System

I _____, Secretary to the Authority of the Erie County Water Authority, of the State of New York, do hereby certify that I have compared the foregoing with the resolution Item # _____ passed by such board, at a legally convened meeting held on the ____ day of _____, 2010 on file as part of the minutes of such meeting, and that this certification is in accordance with such resolution.

 Signature



SCHEDULE C

Affidavit of Posting

Location Code: _____

Employer Name: _____

Affidavit attesting that the Standard Work Day and Reporting Resolution was posted and available to the public for a minimum of 30 days.

State of New York)
County of Erie)

_____ being duly sworn, deposes and says:
(Name)

1. That (s) he is the _____ of the _____.
(Title) (Employer)
2. That the posting of the Resolution began on _____ and continued for at least 30 days.
3. That the Resolution was posted and available to the public on the (please check one):
 _____ Employer's website at _____
 _____ Official sign board at _____
 _____ Main entrance to office of the clerk at _____

Name: _____ Title: _____
(Signature of clerk of governing body)

ITEM 17 - 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 pages 16-23 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 18 - 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 page 24 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 19 - SERVICE CONNECTION WORK ORDER LIST:

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve Service Connection Work Order Nos. 2010-15 and 201-16, 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 Tuesday, May 11, 2010.

Matthew J. Baudo
Secretary to the Authority/Personnel Director

SLZ

04/30/10