

**MINUTES** of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 350 Ellicott Square Building, Buffalo, New York, on the 11th day of May, 2010.

**PRESENT:** **Frank E. Swiatek, Chairman**  
**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. Riester, Director of Administration**  
**Daniel J. NeMoyer, Director of Human Resources**  
**Karen A. Prendergast, Comptroller**  
**Brian C. Bray, Public Affairs Officer**

**ATTENDEES:** **Danielle Elliott**

**CALL TO ORDER**

**PLEDGE TO THE FLAG**

**I. - ROLL CALL**

**II. - READING OF ANNUAL MINUTES**

Motion by Mr. Warthling seconded by Mr. Swiatek and carried to waive the reading of the Minutes of the Meeting held on Friday April 30, 2010.

**III. - APPROVAL OF ANNUAL MINUTES**

Motion by Mr. Warthling seconded by Mr. Swiatek and carried to approve the Minutes of the Meeting held on Friday, April 30, 2010.

**IV. - READING OF MINUTES**

Motion by Mr. Warthling seconded by Mr. Swiatek and carried to waive the reading of the Minutes of the Meeting held on Friday April 30, 2010.

**V. - APPROVAL OF MINUTES**

Motion by Mr. Warthling seconded by Mr. Swiatek and carried to approve the Minutes of the Meeting held on Friday, April 30, 2010.

**VI. - REPORTS (See "Report" Minutes for Details)**

- A) SECRETARY/PERSONNEL**
- B) LEGAL**
- C) FISCAL**
- D) OPERATIONS**
- E) HUMAN RESOURCES**
- F) AUDIT COMMITTEE**
- G) GOVERNANCE COMMITTEE**

**VII. - COMMUNICATIONS AND BILLS**

**ITEM 1 - CREATION OF MASTER PURCHASE ORDERS:**

Motion by Mr. Warthling seconded by Mr. Swiatek and carried to approve the creation of Master Purchase Order Nos. as listed on the attached page 1 not to exceed the amount of \$19,950.00 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 Mr. Swiatek and carried to approve for payment of Master Purchase Order Nos. as listed on the attached pages 1-4 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.

**VIII. - UNFINISHED BUSINESS (NONE)**

**IX. - NEW BUSINESS (RESOLUTIONS 3-9)**

**ITEM 3 - AUTHORIZATION TO ACCEPT PROPOSAL OF RANCH VIEW LLC FOR THE CONSTRUCTION AND INSTALLATION OF APPROXIMATELY 2,880 LF OF EIGHT-INCH PVC PIPE, 190 LF OF EIGHT-INCH D.I. PIPE AND SEVEN HYDRANTS IN AMBER MEADOWS SUBDIVISION, TOWN OF CLARENCE, NEW YORK, PROJECT NO. 200900232, EC NO. 5948**

Motion by Mr. Warthling seconded by Mr. Swiatek

**WHEREAS**, The Erie County Water Authority ("Authority") desires to enter into a Main Extension Agreement (Builder-Contractor-Developer) with Ranch View LLC for the installation of approximately 2,880 lf of eight-inch PVC pipe, 190 lf of eight-inch D.I. pipe and seven hydrants in Amber Meadows Subdivision, Town of Clarence, 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-5948; 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 Ranch View LLC for the installation of approximately 2,880 lf of eight-inch PVC pipe, 190 lf of eight-inch D.I. pipe and seven hydrants in Amber Meadows Subdivision, Town of Clarence, 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 Ranch View LLC covering the abovementioned subdivision.

Ayes: Two; Commrs. Swiatek and Warthling  
Noes: None

**ITEM 4 - AWARD OF CONTRACT TO O'CONNELL ELECTRIC COMPANY, INC. 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 - \$1,155,260.00**

Motion by Mr. Warthling seconded by Mr. Swiatek

**WHEREAS**, The Erie County Water Authority (Authority) heretofore advertised in the Dodge Reports and Front Page on the 31<sup>st</sup> day of March, 2010, and in Business First on the 2<sup>nd</sup> day of April, 2010, a notice inviting sealed bids or proposals in accordance with 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**, Sealed bids or proposals were opened in the office of the Authority on the 13th day of April, 2010, at 11:00 a.m., local time, and were as follows:

<b>BIDDERS</b>	<b>AMOUNT</b>
O'Connell Electric Co., Inc.	\$1,155,260.00
Frey Electric Construction Co., Inc.	1,441,900.00; 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, O'Connell Electric Co., 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 Robert A. Niederpruem, Sr. Production Engineer have reviewed the specifications and bids and determined that O'Connell Electric Co., 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 O'Connell Electric Co., 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 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 in the total amount of \$1,155,260.00; 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: Two; Commrs. Swiatek and Warthling

Noes: None

**ITEM 5 - RATIFICATION OF THE INSTALLATION OF HYDRANTS AND VALVES AND RETIREMENT OF EXISTING HYDRANTS AND VALVES - VARIOUS LOCATIONS**

Motion by Mr. Warthling seconded by Mr. Swiatek

**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 Foisset Road, Town of Cheektowaga with a new Kennedy K81 hydrant on 3/18/10. Work done by ECWA forces under Work Authorization No. 107.200 EC 5940.

Old hydrant originally installed in 1953 was scrapped and retired under Retirement Authorization No. R10014.

Replace existing hydrant at 88 Hemenway Road, Town of Cheektowaga with a new Clow hydrant on 3/3/10. Work done by ECWA forces under Work Authorization No. 107.200 EC 5937.

Old hydrant originally installed in 1936 was scrapped and retired under Retirement Authorization No. R10012.

Replace existing hydrant at corner of Lucy Lane and North Creek Drive, Town of Cheektowaga with a new Clow hydrant on 3/4/10. Work done by ECWA forces under Work Authorization No. 107.200 EC 5935.

Old hydrant originally installed in 1981 was scrapped and retired under Retirement Authorization No. R100010.

Replace existing hydrant at 6487 Popular Court, Town of Clarence with a new Clow hydrant on 2/24/10. Work done by ECWA forces under Work Authorization No. 107.200 EC 5934.

Old hydrant originally installed prior to 1999 was scrapped and retired under Retirement Authorization No. R100009.

Replace existing hydrant at 4241 Harris Hill Road, Town of Clarence with a new Kennedy hydrant on 3/5/10. Work done by ECWA forces under Work Authorization No. 107.200 EC 5936.

Old hydrant originally installed prior to 1999 was scrapped and retired under Retirement Authorization No. R100011.

Replace existing hydrant at 8949 Fairways, Town of Clarence with a new Kennedy k81 hydrant on 3/4/10. Work done by ECWA forces under Work Authorization No. 107.200 EC 5938.

Old hydrant originally installed prior to 1999 was scrapped and retired under Retirement Authorization No. R100013.

Replace existing hydrant at 2806 Seneca Street, Town of West Seneca with a new Clow hydrant on 1/26/10. Work done by ECWA forces under Work Authorization No. 107.200 EC 5929.

Old hydrant originally installed in 1970 was scrapped and retired under Retirement Authorization No. R10014.

Replace existing valve at 341 Tampa Drive, Town of West Seneca with a new Resilient seat valve on 1/26/10. Work done by ECWA forces under Work Authorization No. 107.200 EC 5930.

Old valve originally installed in 1956 was scrapped and retired under Retirement Authorization No. R100005.

Replace existing hydrant at opposite 4733 William Street, Town of Lancaster with a new Kennedy k81 hydrant on 4/19/10. Work done by ECWA forces under Work Authorization No. 107.200 EC 5955.

Old Mueller hydrant originally installed was scrapped and retired under Retirement Authorization No. R10026; 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: Two; Commrs. Swiatek and Warthling  
Noes: None

**ITEM 6 - AUTHORIZATION TO GRANT LEAK ALLOWANCE REQUESTS -  
\$1,802.54**

Motion by Mr. Warthling seconded by Mr. Swiatek

**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) Gary Toner<br>36 Boynton Ave.<br>Buffalo, NY 14206<br>\$589.00     | 3) WD Henrey & Sons, Inc.<br>7369 Gowanda State Road<br>Eden, NY 14057<br>\$1,116.40; and |
| 2) BGMHC LLC<br>3607 Big Tree Road<br>Hamburg, NY 14075<br>\$1,097.14 |   |

**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: Two; Commrs. Swiatek and Warthling  
Noes: None



**ITEM 7 - AUTHORIZATION TO ADOPT A FINANCE COMMITTEE CHARTER AND APPOINTMENT OF THREE INDEPENDENT MEMBERS TO THE FINANCE COMMITTEE**

Motion by Mr. Warthling seconded by Mr. Swiatek

**WHEREAS**, Pursuant to Section 2824 (8) of the Public Authorities Law (PAL) the Erie County Water Authority (Authority) must adopt a Finance Committee Charter and appoint Three independent members to the committee to oversee the Authority's debt and debt practices and to recommend policies concerning the Authority's issuance and management of debt; and

**WHEREAS**, The Finance Committee shall consist of the Three independent members of the Board of Commissioners, who shall constitute a majority on the committee; and

**WHEREAS**, The Board must appoint a Chairperson of the committee, who shall be Frank E. Swiatek; and

**WHEREAS**, The Finance Committee shall meet at such times as deemed advisable by the chair, but not less than twice a year and shall meet prior to any debt issuance planned to be undertaken by the Authority; and

**WHEREAS**, Mark J. Fuzak, Counsel and Robert A. Mendez, Executive Director recommends adopting a Finance Committee Charter and appointment of the committee pursuant to PAL Section 2824 (8);

**NOW, THEREFORE, BE IT RESOLVED:**

That the Authority hereby adopts a Finance Committee Charter and appoints a committee consisting of the Three members of the Board of Commissioners and Frank E. Swiatek as Chairman of the committee, pursuant to Section 2824 (8) of the Public Authorities Law.

Ayes: Two; Commrs. Swiatek and Warthling

Noes: None

**ITEM 8 - PURCHASE ORDERS:**

Motion by Mr. Warthling seconded by Mr. Swiatek and carried to approve for payment of Purchase Order Nos. as listed on the attached pages 5-7 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 9 - SERVICE CONNECTION WORK ORDER LIST:**

Motion by Mr. Warthling seconded by Mr. Swiatek and carried to approve Service Connection Work Order Nos. 2010-17 and 201-018, 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.

**X. - ADJOURNMENT**

Meeting adjourned until the next regular meeting to be held on Thursday, May 27, 2010.

Matthew J. Baudo  
Secretary to the Authority/Personnel Director

SLZ