

**MINUTES** of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 5th day of August, 2010.

**PRESENT:** Kelly M. Vacco, Chairperson  
Francis G. Warthling, Vice Chairman  
John F. O'Donnell, Treasurer  
Robert A. Mendez, Executive Director  
Matthew J. Baudo, Secretary to the Authority/Personnel Director  
Robert J. Lichtenthal, Jr., Deputy Director  
Wesley C. Dust, Executive Engineer  
Mark J. Fuzak, Attorney  
Ronald P. Bennett, Associate Attorney  
Paul H. Riester, Director of Administration  
Daniel J. NeMoyer, Director of Human Resources  
Karen A. Prendergast, Comptroller  
Steven V. D'Amico, Budget and Financial Analyst

**ATTENDEES:** Danielle Elliott

**CALL TO ORDER**

**PLEDGE TO THE FLAG**

**I. - ROLL CALL**

**II. - READING OF MINUTES**

Motion by Mr. Warthling seconded by Mr. O'Donnell and carried to waive the reading of the Minutes of the Meeting held on Thursday, July 22, 2010.

**III. - APPROVAL OF MINUTES**

Motion by Mr. Warthling seconded by Mr. O'Donnell and carried to approve the Minutes of the Meeting held on Thursday, July 22, 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 Mr. O'Donnell and carried to approve for payment of Master Purchase Order Nos. as listed on the attached pages 1-12 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 2-17)**

**ITEM 2 - AUTHORIZATION TO SOLICIT REQUEST FOR PROPOSALS FOR PUBLIC RELATIONS SERVICES, PROJECT NO. 201000194**

Motion by Mr. Warthling seconded by Mr. O'Donnell

**WHEREAS**, Pursuant to Article V, Title 3, Section 1053 of the Public Authorities Law, the Erie County Water Authority (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 public relations services; 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 public relations services 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**, Matthew J. Baudo, Secretary to the Authority/Personnel 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 public relations services.

Ayes: Three; Comms. Vacco, Warthling, and O'Donnell  
Noes: None

**ITEM 3 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH WATTS ARCHITECTURE & ENGINEERING, P.C. TO RENDER PROFESSIONAL ENGINEERING SERVICES FOR WATER SYSTEM IMPROVEMENTS IN THE CITY OF TONAWANDA, IDENTIFIED AS CONTRACT NO. WE-4, PROJECT NO. 201000117 AT A TOTAL ENGINEERING COST OF \$185,870.00**

Motion by Mr. Warthling seconded by Mr. O'Donnell

**WHEREAS**, Heretofore and on the 3<sup>rd</sup> day of March, 2010, the Erie County Water Authority's ("Authority") Board of Commissioners authorized the issuance of a Request for Proposals ("RFP") to qualified firms to provide consulting engineering services for waterline replacement projects for years 2010 and 2011 consisting of three new waterline replacement projects for design in 2010 and construction in 2011 and a project consisting of rehabilitation of the Texas & Lang 24" interconnection with the City of Buffalo for design in 2010 and construction in 2011; and

**WHEREAS**, A copy of the RFP was sent to:

TVGA  
Greeman-Pedersen  
Wm. Schutt and Associates  
Clough Harbour & Associates, LLP  
Erdman Anthony & Associates, Inc.  
Watts Architecture & Engineering, P.C.  
C&S Engineers, Inc.

DiDonato Associates, P.E., P.C. and

**WHEREAS**, Proposals were received from all eight firms; and

**WHEREAS**, The waterline replacement projects will be divided into three separate projects; 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**, After thorough review, the Authority's Engineering staff recommends the three waterline replacement projects for years 2010-2011 be awarded to DiDonato Associates, P.E., P.C., Watts Architecture & Engineering, P.C. and Clough Harbour and the Texas & Lang interconnection rehabilitation project be awarded to Erdman Anthony; and

**WHEREAS**, One of the three waterline replacement projects is water system improvements in the City of Tonawanda, New York; and

**WHEREAS**, The Authority deems it advisable to have Watts Architecture & Engineering, P.C. render professional engineering services for Contract No. WE-4, design and construction of approximately 4,500 linear feet of waterline along Franklin Street from Niagara Street to the Conex railroad crossing in the City of Tonawanda, New York; and

**WHEREAS**, The Authority agrees to pay Watts Architecture & Engineering, P.C. for services described in said proposal in accordance with the terms as outlined in Section 3 of said proposal entitled Payment for Services; and

**WHEREAS**, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend acceptance of said proposal by the Authority;

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

That the Authority accepts the proposal of Watts Architecture & Engineering, P.C. to render professional engineering services for water system improvements in the City of Tonawanda, New York, identified as Contract No. WE-4, under the terms and conditions set forth in said proposal; 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 Chairperson be and she 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 Watts Architecture & Engineering, P.C.

Ayes: Three; Commrs. Vacco, Warthling, and O'Donnell

Noes: None

**ITEM 4 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH CLOUGH HARBOUR & ASSOCIATES, LLP TO RENDER PROFESSIONAL ENGINEERING SERVICES FOR WATER SYSTEM IMPROVEMENTS IN THE TOWN OF CHEEKTOWAGA, IDENTIFIED AS CONTRACT NO. CH-5, PROJECT NO. 201000115 AT A TOTAL ENGINEERING COST OF \$147,400.00**

Motion by Mr. Warthling seconded by Mr. O'Donnell

**WHEREAS,** Heretofore and on the 3<sup>rd</sup> day of March, 2010, the Erie County Water Authority's ("Authority") Board of Commissioners authorized the issuance of a Request for Proposals ("RFP") to qualified firms to provide consulting engineering services for waterline replacement projects for years 2010 and 2011 consisting of three new waterline replacement projects for design in 2010 and construction in 2011 and a project consisting of rehabilitation of the Texas & Lang 24" interconnection with the City of Buffalo for design in 2010 and construction in 2011; and

**WHEREAS,** A copy of the RFP was sent to:

TVGA  
Greeman-Pedersen  
Wm. Schutt and Associates  
Clough Harbour & Associates, LLP  
Erdman Anthony & Associates, Inc.  
Watts Architecture & Engineering, P.C.  
C&S Engineers, Inc.  
DiDonato Associates, P.E., P.C. and

**WHEREAS,** Proposals were received from all eight firms; and

**WHEREAS,** The waterline replacement projects will be divided into three separate projects; 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,** After thorough review, the Authority's Engineering staff recommends the three waterline replacement projects for years 2010-2011 be awarded to DiDonato Associates, P.E., P.C., Watts Architecture & Engineering, P.C. and Clough Harbour and the Texas & Lang interconnection rehabilitation project be awarded to Erdman Anthony; and

**WHEREAS,** One of the three waterline replacement projects is water system improvements in the Town of Cheektowaga, New York; and

**WHEREAS,** The Authority deems it advisable to have Clough Harbour & Associates, LLP render professional engineering services for Contract No. CH-5, design and construction of approximately 4,600 linear feet of waterline along Colby Street and South Colby Street from William Street to Dingens Street and along Garland Avenue from William Street to the end of the Town of Cheektowaga, New York; and

**WHEREAS,** The Authority agrees to pay Clough Harbour & Associates, LLP for services described in said proposal in accordance with the terms as outlined in Section 3 of said proposal entitled Payment for Services; and

**WHEREAS,** Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend acceptance of said proposal by the Authority;

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

That the Authority accepts the proposal of Clough Harbour & Associates, LLP to render professional engineering services for water system improvements in the Town of Cheektowaga, New York, identified as Contract No. CH-5, under the terms and conditions set forth in said proposal; 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 Chairperson be and she 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 Clough Harbour & Associates, LLP.

Ayes: Three; Commrs. Vacco, Warthling, and O'Donnell

Noes: None

**ITEM 5 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH DIDONATO ASSOCIATES, P.E., P.C. TO RENDER PROFESSIONAL ENGINEERING SERVICES FOR WATER SYSTEM IMPROVEMENTS AT THE DEPEW PUMP STATION, IDENTIFIED AS CONTRACT NO. DA-7, PROJECT NO. 201000116 AT A TOTAL ENGINEERING COST OF \$112,420.00**

Motion by Mr. Warthling seconded by Mr. O'Donnell

**WHEREAS**, Heretofore and on the 3<sup>rd</sup> day of March, 2010, the Erie County Water Authority's ("Authority") Board of Commissioners authorized the issuance of a Request for Proposals ("RFP") to qualified firms to provide consulting engineering services for waterline replacement projects for years 2010 and 2011 consisting of three new waterline replacement projects for design in 2010 and construction in 2011 and a project consisting of rehabilitation of the Texas & Lang 24" interconnection with the City of Buffalo for design in 2010 and construction in 2011; and

**WHEREAS**, A copy of the RFP was sent to:

TVGA  
Greeman-Pedersen  
Wm. Schutt and Associates  
Clough Harbour & Associates, LLP  
Erdman Anthony & Associates, Inc.  
Watts Architecture & Engineering, P.C.  
C&S Engineers, Inc.  
DiDonato Associates, P.E., P.C. and

**WHEREAS**, Proposals were received from all eight firms; and

**WHEREAS**, The waterline replacement projects will be divided into three separate projects; 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,** After thorough review, the Authority's Engineering staff recommends the three waterline replacement projects for years 2010-2011 be awarded to DiDonato Associates, P.E., P.C., Watts Architecture & Engineering, P.C. and Clough Harbour and the Texas & Lang interconnection rehabilitation project be awarded to Erdman Anthony; and

**WHEREAS,** One of the three waterline replacement projects is water system improvements at the Depew Pump Station; and

**WHEREAS,** The Authority deems it advisable to have DiDonato Associates, P.E., P.C. render professional engineering services for Contract No. DA-7, design and construction of approximately 1,100 linear feet of 8-inch, 12-inch and 30-inch diameter waterlines and the abandonment of existing waterlines in and near the Depew Pump station site; and

**WHEREAS,** The project also includes the restoration of the area resulting from the demolition of the former Pump Station buildings and of the former reservoir; and

**WHEREAS,** The Authority agrees to pay DiDonato Associates, P.E., P.C. for services described in said proposal in accordance with the terms as outlined in Section 3 of said proposal entitled Payment for Services; and

**WHEREAS,** Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend acceptance of said proposal by the Authority;

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

That the Authority accepts the proposal of DiDonato Associates, P.E., P.C. to render professional engineering services for water system improvements at the Depew Pump Station, identified as Contract No. DA-7, under the terms and conditions set forth in said proposal; 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 Chairperson be and she 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 DiDonato Associates, P.E., P.C.

Ayes: Three; Commrs. Vacco, Warthling, and O'Donnell

Noes: None

**ITEM 6 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH STEARNS & WHELER, LLC TO PROVIDE THE ERIE COUNTY WATER AUTHORITY WITH AN ENGINEERING STUDY OF THE RESIDUAL HANDLING SYSTEM AT THE AUTHORITY'S STURGEON POINT TREATMENT PLANT, IDENTIFIED AS CONTRACT NO. SW-5, PROJECT NO. 201000108 AT A LUMP SUM AMOUNT OF \$82,600.00**

Motion by Mr. Warthling seconded by Mr. O'Donnell

**WHEREAS**, Heretofore and on the 10<sup>th</sup> day of February, 2010, the Erie County Water Authority's ("Authority") Board of Commissioners authorized the issuance of a Request for Proposals ("RFP") to qualified firms to provide consulting engineering services for various design and construction projects at the Authority's Sturgeon Point Water Treatment Plant, Van de Water Treatment Plant, Pump Stations and Storage Tanks; and

**WHEREAS**, A copy of the RFP was sent to:

Nussbaumer & Clarke, Inc.  
Wendel Duchscherer  
O'Brien & Gere  
Malcolm Pirnie, Inc.  
Stearns & Wheeler, LLC  
URS; and

**WHEREAS**, The RFP will be divided into five projects as follows:

1. Van de Water Treatment Plant Coagulation Basins
2. Van de Water Raw Water Pump Station Travelling Screen
3. Permanent Standby Power at Remote Pump Stations
4. Storage Tank Improvements
5. Sturgeon Point Decant Basin Improvement Study; and

**WHEREAS**, Proposals for the Sturgeon Point Decant Basin Improvement Study were received from O'Brien & Gere, Malcolm Pirnie, Inc., Wendel Duchscherer and Stearns &

Wheler, LLC; 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,** After thorough review, the Authority's Engineering staff recommends the Sturgeon Point Decant Basin Improvement Study be awarded to Stearns & Wheler, LLC; and

**WHEREAS,** The Authority deems it advisable to have Stearns & Wheler, LLC provide the Authority with an engineering study of the residual handling system at the Sturgeon Point Water Treatment Plant consisting of a comprehensive review of the entire residuals handling system and an evaluation of improvements with a specific focus on the recommendations for expansion and upgrades to the coagulation basin and filter backwash residuals equalization and pump station (Decant facility); and

**WHEREAS,** The Authority agrees to pay Stearns & Wheler, LLC for services described in said proposal in accordance with the terms as outlined in Section 3 of said proposal entitled Payment for Services; and

**WHEREAS,** Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend acceptance of said proposal by the Authority;

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

That the Authority accepts the proposal of Stearns & Wheler, LLC to provide the Authority with an engineering study of the residual handling system at the Sturgeon Point Water Treatment Plant, identified as Contract No. SW-5, under the terms and conditions set forth in said proposal; 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 Chairperson be and she 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 Stearns & Wheler, LLC.

Ayes: Three; Commrs. Vacco, Warthling, and O'Donnell

Noes: None

**ITEM 7 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH ERDMAN ANTHONY & ASSOCIATES, INC. TO RENDER PROFESSIONAL ENGINEERING SERVICES FOR WATER SYSTEM IMPLEMENTS AND STURGEON POINT PAVING AND DRAINAGE, IDENTIFIED AS CONTRACT NO. EA-9, PROJECT NO. 201000118 AT A TOTAL ENGINEERING COST OF \$407,132.00**

Motion by Mr. Warthling seconded by Mr. O'Donnell

**WHEREAS**, Heretofore and on the 3<sup>rd</sup> day of March, 2010, the Erie County Water Authority's ("Authority") Board of Commissioners authorized the issuance of a Request for Proposals ("RFP") to qualified firms to provide consulting engineering services for waterline replacement projects for years 2010 and 2011 consisting of three new waterline replacement projects for design in 2010 and construction in 2011 and a project consisting of rehabilitation of the Texas & Lang 24" interconnection with the City of Buffalo for design in 2010 and construction in 2011; and

**WHEREAS**, A copy of the RFP was sent to:

TVGA  
Greeman-Pedersen  
Wm. Schutt and Associates  
Clough Harbour & Associates, LLP  
Erdman Anthony & Associates, Inc.  
Watts Architecture & Engineering, P.C.  
C&S Engineers, Inc.  
DiDonato Associates, P.E., P.C. and

**WHEREAS**, Proposals were received from all eight firms; and

**WHEREAS**, The waterline replacement projects will be divided into three separate projects; 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**, After thorough review, the Authority's Engineering staff recommends the three waterline replacement projects for years 2010-2011 be awarded to DiDonato Associates, P.E., P.C., Watts Architecture & Engineering, P.C. and Clough Harbour and the Texas & Lang interconnection rehabilitation project be awarded to Erdman Anthony; and

**WHEREAS**, The Authority deems it advisable to have Erdman Anthony & Associates, Inc. render professional engineering services for Contract No. EA-9; and

**WHEREAS**, Contract EA-9A is one of the report recommendations and consists of the testing, disinfection, and refurbishing of the 24-inch transmission main, metering chambers and valves; and

**WHEREAS**, Contract EA-9B consists of re-paving of the entrance roadway from Sturgeon Point Road and the parking lots and driveways around the Control Building and drainage improvements including new ditches, culverts, and storm sewers and re-grading of existing drainage are also included; and

**WHEREAS**, The Authority agrees to pay Erdman Anthony & Associates, Inc. for services described in said proposal in accordance with the terms as outlined in Section 3 of said proposal entitled Payment for Services; and

**WHEREAS**, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend acceptance of said proposal by the Authority;

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

That the Authority accepts the proposal of Erdman Anthony & Associates, Inc. to render professional engineering services for water system water system implements and Sturgeon Point paving and drainage improvements, identified as Contract No. EA-9, under the terms and conditions set forth in said proposal; 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 Chairperson be and she 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 Erdman Anthony & Associates, Inc.

Ayes: Three; Commrs. Vacco, Warthling, and O'Donnell  
Noes: None

**ITEM 8 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH O'BRIEN & GERE ENGINEERS, INC. TO RENDER CONSULTING ENGINEERING SERVICES FOR THE VAN DE WATER RAW WATER PUMP STATION TRAVELING SCREEN, IDENTIFIED AS CONTRACT NO. OBG-10, PROJECT NO. 201000104 AT A TOTAL ESTIMATE ENGINEERING COST OF \$216,900.00**

Motion by Mr. Warthling seconded by Mr. O'Donnell

**WHEREAS**, Heretofore and on the 10<sup>th</sup> day of February, 2010, the Erie County Water Authority's ("Authority") Board of Commissioners authorized the issuance of a Request for Proposals ("RFP") to qualified firms to provide consulting engineering services for various design and construction projects at the Authority's Sturgeon Point Water Treatment Plant, Van de Water Treatment Plant, Pump Stations and Storage Tanks; and

**WHEREAS**, A copy of the RFP was sent to:

Nussbaumer & Clarke, Inc.  
Wendel Duchscherer  
O'Brien & Gere  
Malcolm Pirnie, Inc.  
Stearns & Wheler, LLC  
URS; and

**WHEREAS**, The RFP will be divided into five projects as follows:

1. Van de Water Treatment Plant Coagulation Basins
2. Van de Water Raw Water Pump Station Traveling Screen
3. Permanent Standby Power at Remote Pump Stations
4. Storage Tank Improvements
5. Sturgeon Point Decant Basin Improvement Study; and

**WHEREAS**, Proposals for the Van de Water Raw Water Pump Station Traveling Screen were received from all six firms; 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**, After thorough review, the Authority's Engineering staff recommends the Van de Water Raw Water Pump Station Traveling Screen be awarded to O'Brien & Gere Engineers, Inc.; and

**WHEREAS,** The Authority deems it advisable to have O'Brien & Gere Engineers, Inc. render professional engineering services for Contract No. OBG-10, design and construction of the second traveling screen at Raw Water Pump Station and 208 volt and 480 volt electrical improvements; and

**WHEREAS,** The Authority agrees to pay O'Brien & Gere Engineers, Inc. for services described in said proposal in accordance with the terms as outlined in Section 3 of said proposal entitled Payment for Services; and

**WHEREAS,** Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend acceptance of said proposal by the Authority;

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

That the Authority accepts the proposal of O'Brien & Gere Engineers, Inc. to provide the Authority with professional engineering services for the design and construction of the second traveling screen at Raw Water Pump Station, identified as Contract No. OBG-10, under the terms and conditions set forth in said proposal; 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 Chairperson be and she 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 O'Brien & Gere Engineers, Inc.

Ayes: Three; Commrs. Vacco, Warthling, and O'Donnell

Noes: None

**ITEM 9 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH NUSSBAUMER & CLARKE, INC. TO RENDER CONSULTING ENGINEERING SERVICES FOR THE PUMP STATION PERMANENT STANDBY POWER, IDENTIFIED AS CONTRACT NO. NC-33, PROJECT NO. 201000106 AT A TOTAL ESTIMATE ENGINEERING COST OF \$251,210.00**

Motion by Mr. Warthling seconded by Mr. O'Donnell

**WHEREAS**, Heretofore and on the 10<sup>th</sup> day of February, 2010, the Erie County Water Authority's ("Authority") Board of Commissioners authorized the issuance of a Request for Proposals ("RFP") to qualified firms to provide consulting engineering services for various design and construction projects at the Authority's Sturgeon Point Water Treatment Plant, Van de Water Treatment Plant, Pump Stations and Storage Tanks; and

**WHEREAS**, A copy of the RFP was sent to:

Nussbaumer & Clarke, Inc.  
Wendel Duchscherer  
O'Brien & Gere  
Malcolm Pirnie, Inc.  
Stearns & Wheler, LLC  
URS; and

**WHEREAS**, The RFP will be divided into five projects as follows:

1. Van de Water Treatment Plant Coagulation Basins
2. Van de Water Raw Water Pump Station Traveling Screen
3. Permanent Standby Power at Remote Pump Stations
4. Storage Tank Improvements
5. Sturgeon Point Decant Basin Improvement Study; and

**WHEREAS**, Proposals for the Permanent Standby Power at Remote Pump Stations were received from Nussbaumer & Clarke, Inc., O'Brien & Gere and Wendel Duchscherer; 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**, After thorough review, the Authority's Engineering staff recommends the Permanent Standby Power at Remote Pump Stations be awarded to Nussbaumer & Clarke, Inc.; and

**WHEREAS**, The Authority deems it advisable to have Nussbaumer & Clarke, Inc. provide the Authority with an Implementation Plan regarding a Permanent Standby Power study at Remote Pump Stations; and

**WHEREAS**, The Authority agrees to pay Nussbaumer & Clarke, Inc. for services described in said proposal in accordance with the terms as outlined in Section 3 of said proposal entitled Payment for Services; and

**WHEREAS**, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend acceptance of said proposal by the Authority;

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

That the Authority accepts the proposal of Nussbaumer & Clarke, Inc. to provide the Authority with a Permanent Standby Power study at Remote Pump Stations, identified as Contract No. NC-33, under the terms and conditions set forth in said proposal; 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 Chairperson be and she 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 Nussbaumer & Clarke, Inc.

Ayes: Three; Commrs. Vacco, Warthling, and O'Donnell  
Noes: None

**ITEM 10 - AWARD OF CONTRACT TO FERGUSON ELECTRIC CONSTRUCTION CO., INC. FOR CONTRACT NC-32B, INSTALLATION OF STANDBY POWER AT VARIOUS ERIE COUNTY WATER AUTHORITY LOCATIONS, PROJECT NO. 200800010 - \$1,116,100.00**

Motion by Mr. Warthling seconded by Mr. O'Donnell

**WHEREAS**, The Erie County Water Authority (Authority) heretofore advertised in the Dodge Reports and Front Page on the 30th day of June, 2010, and in Business First on the 2nd day of July, 2010, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for Contract No: NC-32B, Installation of Standby Power at Various Erie County Water Authority Locations; and

**WHEREAS**, Sealed bids or proposals were opened in the office of the Authority on the 20th day of July, 2010, at 11 a.m., local time, and were as follows:

<b>BIDDERS</b>	<b>AMOUNT</b>
Ferguson Electric Construction Co., Inc.	\$1,116,100.00
Frey Electric Construction Co., Inc.	\$1,176,000.00
O'Connell Electric Company, Inc.	\$1,276,400.00; 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, Ferguson Electric Construction 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**, Nussbaumer & Clarke, Inc., Consulting Engineers, Wesley C. Dust, P.E., Executive Engineer and Richard M. Rosenberry, Director of Engineering have reviewed the specifications and bids and determined that Ferguson Electric Construction 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 Ferguson Electric Construction Co., Inc. is the lowest responsible bidder for the abovementioned project, and that the Chairperson be and she hereby is authorized and directed to execute a contract with said contractor for Contract No: NC-32B, Installation of Standby Power at Various Erie County Water Authority Locations in the total amount of \$1,116,100.00; 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; Comms. Vacco, Warthling, and O'Donnell

Noes: None

**ITEM 11 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE INSTALLATION AND MAINTENANCE OF ONE GB MICROWAVE RADIO AND ANTENNA(S) BETWEEN THE ERIE COUNTY WATER AUTHORITY'S SERVICE CENTER AND ELLICOTT SQUARE BUILDING, PROJECT NO. 201000064**

Motion by Mr. Warthling seconded by Mr. O'Donnell

**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 Microwave Radio Replacement, Antennas and Radio Between Service Center and Ellicott Square Building; 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 installation and maintenance of one GB microwave radio and antenna(s) between the Authority's Service Center and Ellicott Square Building 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**, Scott Ail. Aiple, Electrical 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 installation and maintenance of one GB microwave radio and antenna(s) between the Authority's Service Center and Ellicott Square Building 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. Vacco, Warthling, and O'Donnell  
Noes: None

**ITEM 12 - AUTHORIZATION TO RETAIN THE LEGAL SERVICES OF GOLDBERG SEGALLA LLP TO ACT AS COUNSEL FOR LABOR RELATIONS MATTERS AND SPECIALIZED LEGAL SERVICES ON BEHALF OF THE ERIE COUNTY WATER AUTHORITY**

Motion by Mr. Warthling seconded by Mr. O'Donnell

**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 appoint an attorney and may also from time to time contract for expert professional services; and

**WHEREAS**, Article V, Section 6 of the By-Laws of the Authority grants to the Authority the right to name and appoint from time to time an attorney or engineer and may also from time to time contract for expert professional services; and

**WHEREAS**, By resolution adopted April 20, 2006 the Authority retained Jaeckle, Fleischmann & Mugel, LLP to act as labor counsel for labor relations matters that may occur; and

**WHEREAS**, In order to facilitate the uninterrupted representation of the Authority in connection with such labor relations matters, in light of the move by Sean P. Beiter, Esq., who was principally responsible for such representation from Jaeckle, Fleischmann & Mugel, LLP to Goldberg Segalla LLP, the Authority desires to retain Goldberg Segalla LLP to provide legal services to the Authority;

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

That Goldberg Segalla LLP be retained by the Authority for labor relations matters and expert legal professional services on an as needed basis.

Ayes: Three; Commrs. Vacco, Warthling, and O'Donnell  
Noes: None

**ITEM 13 - AUTHORIZATION FOR SCOTT AIPLE, ELECTRICAL ENGINEER AND JOHN MATTISON, ASSISTANT INSTRUMENTATION ELECTRIC & ELECTRONIC TECHNICIAN TO ATTEND THE HSQ MISER SYSTEM MANAGER TRAINING IN SAN FRANCISCO, CALIFORNIA**

Motion by Mr. Warthling seconded by Mr. O'Donnell

**WHEREAS**, The Erie County Water Authority deems it advisable for Scott Aiple, Electrical Engineer and John Mattison, Assistant Instrumentation Electric & Electronic Technician to attend the HSQ MISER System Manager Training in San Francisco, California at a total estimated cost of \$5,120.00;

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

That Scott Aiple, Electrical Engineer and John Mattison, Assistant Instrumentation Electric & Electronic Technician be and they are hereby authorized to travel to San Francisco, California from October 3, 2010 to October 7, 2010 to attend the HSQ MISER System Manager Training at a total estimated cost of \$5,120.00.

Ayes: Three; Commrs. Vacco, Warthling, and O'Donnell  
Noes: None

**ITEM 14 - AUTHORIZATION OF SEVERANCE AGREEMENT WITH PUBLIC AFFAIRS OFFICER**

Motion by Mr. Warthling seconded by Mr. O'Donnell

**WHEREAS**, Brian Bray, Public Affairs Officer has decided to resign from the employ of the Erie County Water Authority; and

**WHEREAS**, The Erie County Water Authority and the Public Affairs Officer wish to resolve any outstanding rights, duties and obligations of the respective parties to said employment; and

**WHEREAS**, The Authority and Mr. Bray desire to enter into an agreement for severance to resolve any outstanding rights, duties and obligations of the respective parties to the employment;

**WHEREAS**, The parties hereto have agreed as a condition of said severance that the conditions of said severance remain confidential; and

**WHEREAS**, The Erie County Water Authority met in an Executive Session on the 22<sup>nd</sup> day July, 2010; and

**WHEREAS**, Ronald P. Bennett, Associate Counsel, Robert J. Lichtenthal, Jr., Deputy Director and Robert A. Mendez, Executive Director recommend entering into a confidential severance agreement with Mr. Bray to be executed by the Chairperson; and

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

That the Chairperson be and she hereby is authorized to execute said confidential severance agreement on behalf of the Authority; and be it further

**RESOLVED:** That the funds necessary to effectuate said confidential agreement be and the same hereby are approved.

Ayes: Three; Commrs. Vacco, Warthling, and O'Donnell

Noes: None

**ITEM 15 - PURCHASE ORDERS:**

Motion by Mr. Warthling seconded by Mr. O'Donnell and carried to approve for payment of Purchase Order Nos. as listed on the attached pages 13-16 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 16 - PURCHASE ORDER AMENDMENTS:**

Motion by Mr. Warthling seconded by Mr. O'Donnell and carried to approve for payment of Purchase Order Amendments as listed on the attached page || 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 17 - SERVICE CONNECTION WORK ORDER LIST:**

Motion by Mr. Warthling seconded by Mr. O'Donnell and carried to approve Service Connection Work Order Nos. 2010-29 and 2010-30, 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, August 19, 2010.

Matthew J. Baudo  
Secretary to the Authority/Personnel Director

SLZ

8/5/10