

**MINUTES** of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 19th 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  
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  
James R. Lisinski, Director of Employee Relations

**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, August 5, 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, August 5, 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 1-17 after certification by the Comptroller that the orders are in accordance with the quotations and that the Director of Administration be authorized to execute the above and all associated documents after certifying that they are in conformity with applicable laws and the Authority's By-Laws and Purchasing Guidelines, Policies and Procedures.

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

**VII. - NEW BUSINESS (RESOLUTIONS 2-18)**

**ITEM 2 - 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 Mr. O'Donnell

**WHEREAS**, Susan Rinaldo, Cash Manager advised under date of August 11, 2010 that there will be available on September 1, 2010 the following amounts in the Debt Service Fund Water Works System Revenue Refunding Bonds, Series 1998A:

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

and has recommended that the Manufacturers & Traders Trust Company, as Fiscal Agent, be authorized to invest from the Interest Account, in the amount of \$15,600.42 to mature in time for the December 15, 2010 Interest Payment at the highest yield to maturity to 1998A Bondholders and invest from the Principal Account in the amount of \$33,750.00 to mature in time for the December 15, 2010 Principal Payment at the highest yield to maturity to 1998A Bondholders; and

**WHEREAS**, Inasmuch as the Authority does not have adequate safekeeping facilities for the aforementioned securities, the Comptroller recommends that the Manufacturers & Traders Trust Company be authorized to maintain possession of the securities, in trust, for the Authority for safekeeping purposes;

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

That the action of Karen A. Prendergast, Comptroller, in authorizing the Manufacturers & Traders Trust Company to invest from the Interest Account in the amount of \$15,600.42 to mature in time for the December 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 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. Vacco, Warthling and O'Donnell

Noes: None

**ITEM 3 - INVESTMENT OF FUNDS FROM THE MANUFACTURERS & TRADERS TRUST COMPANY, DEBT SERVICE FUND WATER WORKS SYSTEM REVENUE REFUNDING BONDS, SERIES 1998B - \$110,669.34**

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

**WHEREAS**, Susan Rinaldo, Cash Manager advised under date of August 11, 2010 that there will be available on September 1, 2010 the following amounts in the Debt Service Fund Water Works System Revenue Refunding Bonds, Series 1998B:

Interest Account	\$41,502.71
Principal Account	\$69,166.63

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 \$69,166.63 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 \$69,166.63 to mature in time for the October 15, 2010 Principal Payment at the highest yield to maturity to 1998B Bondholders, is hereby approved; 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. Vacco, Warthling and O'Donnell

Noes: None

**ITEM 4 - INVESTMENT OF FUNDS FROM THE MANUFACTURERS & TRADERS TRUST COMPANY, DEBT SERVICE FUND WATER WORKS SYSTEM REVENUE REFUNDING BONDS, SERIES 2003F - \$90,780.70**

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

**WHEREAS**, Susan Rinaldo, Cash Manager advised under date of August 11, 2010 that there will be available on September 1, 2010 the following amounts in the Debt Service Fund Water Works System Revenue Refunding Bonds, Series 2003F:

Interest Account	\$37,030.70
Principal Account	\$53,750.00

and has recommended that the Manufacturers & Traders Trust Company, as Fiscal Agent, be authorized to invest from the Interest Account, in the amount of \$37,030.70 to mature in time for the January 15, 2011 Interest Payment at the highest yield to maturity to 2003F Bondholders and

to invest from the Principal Account in the amount of \$53,750.00 to mature in time for the July 15, 2011 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 \$37,030.70 to mature in time for the January 15, 2011 Interest Payment at the highest yield to maturity to 2003F Bondholders and to invest from the Principal Account in the amount of \$53,750.00 to mature in time for the July 15, 2011 Principal Payment at the highest yield to maturity to 2003F Bondholders, is hereby approved; 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. Vacco, Warthling and O'Donnell  
Noes: None

**ITEM 5 - 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 Mr. O'Donnell

**WHEREAS**, Susan Rinaldo, Cash Manager advised under date of August 11, 2010 that there will be available on August 25, 2010 the following amounts in the Debt Service Fund Water Works System Revenue Refunding Bonds, Series 2007:

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

and has recommended that the Manufacturers & Traders Trust Company, as Fiscal Agent, be authorized to invest from the Interest Account, in the amount of \$132,749.06 to mature in time for the December 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 December 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 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. Vacco, Warthling and O'Donnell

Noes: None

**ITEM 6 - 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 Mr. O'Donnell

**WHEREAS**, Susan Rinaldo, Cash Manager advised under date of August 11, 2010 that there will be available on August 25, 2010 the following amounts in the Debt Service Fund Water Works System Revenue Refunding Bonds, Series 2008:

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

and has recommended that the Manufacturers & Traders Trust Company, as Fiscal Agent, be authorized to invest from the Interest Account, in the amount of \$168,316.67 to mature in time for the December 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 December 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 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. Vacco, Warthling and O'Donnell

Noes: None

**ITEM 7 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH WENDEL DUCHSCHERER ARCHITECTS & ENGINEERS, P.C. TO PROVIDE THE ERIE COUNTY WATER AUTHORITY WITH STORAGE TANK PAINTING, IDENTIFIED AS CONTRACT NO. W-21, PROJECT NO. 201000107 AT A LUMP SUM AMOUNT OF \$332,000.00**

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 Architects & Engineers, P.C.  
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 Storage Tank Painting were received from O'Brien & Gere, Wendel Duchscherer Architects & Engineers, P.C. and URS; 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 Storage Tank Painting be awarded to Wendel Duchscherer Architects & Engineers, P.C.; and

**WHEREAS**, The Authority deems it advisable to have Wendel Duchscherer Architects & Engineers, P.C. render professional engineering services for Contract No. W-21, design and construction of the refurbishing of the Guenther interior, Eden 2 wet interior and dry interior, Windom exterior, and Wehrle wet interior, dry interior and exterior and surface cracking of the Sturgeon Point Clearwell Tanks exterior; and

**WHEREAS**, The Authority agrees to pay Wendel Duchscherer Architects & Engineers, 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 Wendel Duchscherer Architects & Engineers, P.C. to provide the Authority with storage tank painting, identified as Contract No. W-21, 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 Wendel Duchscherer Architects & Engineers, P.C.

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

Noes: None

**ITEM 8 - AUTHORIZATION TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE COUNTY OF ERIE IN CONNECTION WITH THE CONSTRUCTION PROJECT ON INDIAN CHURCH ROAD, TOWN OF WEST SENECA, NEW YORK, PROJECT NO. 200800093**

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

**WHEREAS,** The Count of Erie (County) has initiated plans to undertake the repaving of Indian Church Road in the Town of West Seneca; and

**WHEREAS,** The Erie County Water Authority (Authority) intends to replace the existing watermain presently located long Indian Church Road; and

**WHEREAS,** The County and the Authority desire to enter into a Cooperative Agreement to coordinate and facilitate the repaving project and the watermain project on Indian Church Road in order to achieve cost containment and efficiency; and

**WHEREAS,** Wesley C. Dust, P.E., Executive Engineer and Mark J. Fuzak, Counsel have reviewed the agreement and recommend entering into a Cooperative Agreement with the County; and

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

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

That the Authority accepts the Cooperative Agreement between the County and the Authority to coordinate and facilitate the construction project on Indian Church Road in order to achieve cost containment and efficiency; 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 the County.

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

Noes: None

**ITEM 9 - AUTHORIZATION TO SOLICIT REQUEST FOR PROPOSALS FOR VEHICULAR AUCTION 2010, 2011, AND 2012**

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 (AAuthority@) 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 (ARFP@) to qualified firms to provide a vehicular auction 2010, 2011 and 2012; 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 vehicular auction 2010, 2011 and 2012 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,** Paul H. Riester, Director of Administration, 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 vehicular auction 2010, 2011 and 2012.

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

**ITEM 10 - AUTHORIZATION TO ACCEPT PROPOSAL OF CIMATO ENTERPRISES, INC. FOR THE CONSTRUCTION AND INSTALLATION OF APPROXIMATELY 1,100 LINEAR FEET OF EIGHT (8") INCH PVC PIPE AND TWO (2) HYDRANTS IN WATERFORD COMMONS SUBDIVISION PHASE 3, TOWN OF CLARENCE, NEW YORK, EC NO. 5988, PROJECT NO. 201000189**

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

**WHEREAS**, The Erie County Water Authority ("Authority") desires to enter into a Main Extension Agreement (Builder-Contractor-Developer) with Cimato Enterprises, Inc. for the installation of approximately 1,100 l.f. of eight-inch PVC pipe and two hydrants in Waterford Commons Subdivision Phase 3, 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-5988; 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 Cimato Enterprises, Inc. for the installation of approximately 1,100 l.f. of eight-inch PVC pipe and two hydrants in Waterford Commons Subdivision Phase 3, Town of Clarence, New York; and be it further

**RESOLVED:** That the Chairperson be and she hereby is authorized to execute said Main Extension Agreement (Builder-Contractor-Developer) between the Authority and Cimato Enterprises, Inc. covering the abovementioned subdivision.

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

**ITEM 11 - AWARD OF CONTRACT TO NORTH COAST INSTRUMENTS DIV. FCX PERFORMANCE FOR THE FURNISHING AND DELIVERING OF ELECTRIC ACTUATORS FOR FILTER TO WASTE VALVES, PROJECT NO. 201000110 - \$38,462.00**

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 23<sup>rd</sup> day of June, 2010, and in Business First on the 25<sup>th</sup> day of June, 2010, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for the furnishing and delivering of electric actuators for filter to waste valves; and

**WHEREAS**, Sealed bids or proposals were opened in the office of the Authority on the 13th day of July, 2010, at 11:00 a.m., local time, and were as follows:

<b>BIDDERS</b>	<b>AMOUNT</b>
North Coast Instruments Div. FCX Performance	\$38,462.00
Koester Associates, Inc.	47,900.00; and

**WHEREAS**, The official checks have all been approved by Anthony Alessi, Claims Representative/Risk Manager; and

**WHEREAS**, Inasmuch as said contract is under the limit of \$100,000 and complies with the Authority's Affirmative Action Policy, Robert Brown, Director of Equal Employment Opportunity, recommends that North Coast Instruments Div. FCX Performance proceed with their contract; 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 North Coast Instruments Div. FCX Performance 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 North Coast Instruments Div. FCX Performance 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 the furnishing and delivering of electric actuators for filter to waste valves in the total amount of \$38,462.00; and be it further

**RESOLVED:** Pursuant to New York State Finance Law ' ' 139-j and 139-k and the Authority's Purchasing Guidelines, Policies and Procedures with the award and execution by the Authority of this contract, the Restricted Period will cease; and be it further

**RESOLVED:** That the Secretary be and he hereby is authorized to return to the unsuccessful bidders their deposit submitted with their bid to the Authority for the abovementioned project; and be it further

**RESOLVED:** That the Director of Administration is hereby authorized and directed to create a Master Purchase Order for the abovementioned contract.

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

**ITEM 12 - AWARD OF CONTRACT TO NEPTUNE TECHNOLOGY GROUP, INC.  
FOR FURNISHING AND DELIVERING OF WATER METERS FROM  
AUGUST 1, 2010 TO JULY 31, 2013, PROJECT NO. 201000142 -  
\$8,451,610.00**

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 21<sup>st</sup> day of July, 2010, and in Business First on the 23<sup>rd</sup> day of July, 2010, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for the furnishing and delivering of water meters from August 1, 2010 to July 31, 2013; and

**WHEREAS,** A sealed bid or proposal was opened in the office of the Authority on the 3<sup>rd</sup> day of August, 2010, at 11:00 a.m., local time, and was as follows:

<b>BIDDER</b>	<b>AMOUNT</b>
Neptune Technology Group, Inc.*	\$8,451,610.00

\*Only bid received; and

**WHEREAS**, The bid bond has been approved by Anthony Alessi, Claims Representative/Risk Manager; and

**WHEREAS**, Robert Brown, Director of Equal Employment Opportunity, has advised that the low bidder, Neptune Technology Group, 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 Edward J. Kuwik, Sr. Distribution Engineer have reviewed the specification and bid and determined that Neptune Technology Group, Inc. is a responsible 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 Neptune Technology Group, Inc. is a 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 the furnishing and delivering of water meters from August 1, 2010 to July 31, 2013 in the total amount of \$8,451,610.00; and be it further

**RESOLVED:** Pursuant to New York State Finance Law ' ' 139-j and 139-k and the Authority's Purchasing Guidelines, Policies and Procedures with the award and execution by the Authority of this contract, the Restricted Period will cease; and be it further

**RESOLVED:** That the Director of Administration is hereby authorized and directed to create a Master Purchase Order for the abovementioned contract.

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

**ITEM 13 - AUTHORIZATION TO GRANT LEAK ALLOWANCE REQUESTS -  
\$10,380.14**

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

**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:

- |  |   |
|--|---|
| <p>1) Amy Hellman<br/>37 Penhurst Street<br/>Orchard Park, NY 14127<br/>\$621.16</p> | <p>2) Howard Kellogg Trust<br/>7220 Lake Shore Road<br/>Derby, NY 14047<br/>\$9,758.98; and</p> |
|--|---|

**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. Vacco, Warthling and O'Donnell  
Noes: None

**ITEM 14 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER  
AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2010**

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

**WHEREAS**, In a resolution dated November 30, 2009, the Erie County Water Authority (the "Authority") adopted its Annual O&M and Capital Budgets for the fiscal year 2010; and

**WHEREAS**, From time to time, due to changes in spending priorities, availability of funds, or changes in other circumstances, the Authority finds it proper to amend its Budget to reflect such changes; and

**WHEREAS**, Contract GP-4, involving waterline replacement work on various roads within Amherst, Cheektowaga, West Seneca, Lackawanna and the City of Tonawanda, was initially budgeted to be performed in 2010; and

**WHEREAS**, Due to other priorities, contract GP-4, budget item number 100620, was removed from the capital budget at the time of adoption; and

**WHEREAS**, The Authority has since been advised by Richard Rosenberry, Senior Distribution Engineer, that several projects within the 2010 capital budget have come in under budget, freeing up sufficient funds to reinsert contract GP-4 into the 2010 capital budget; and

**WHEREAS**, The Authority has also been advised by Richard Rosenberry, Senior Distribution Engineer, that contract EA-8, budget item number 100622, involving large valve replacement, will have additional work added, resulting in additional funding needed for this project as well; and

**WHEREAS**, In order to adequately fund contracts GP-4 and EA-8, funds within the capital budget will need to be re-allocated as follows:

<u>Unit No</u>	<u>Capital No.</u>	<u>Description</u>	<u>Increase</u>	<u>Decrease</u>
2590	100621	Contract T-22		\$ 500,000
2590	100619	Contract WSA-7		250,000
2590	100783	West Seneca Betterment		300,000
2520	100625	Contract NC-32B		<u>200,000</u>
2590	100620	Contract GP-4	\$ 1,000,000	
2595	100622	Contract EA-8	<u>250,000</u>	
		Totals	\$ 1,250,000	\$ 1,250,000

08/19/10



**WHEREAS**, Robert A. Mendez, Executive Director, Robert J. Lichtenthal Jr., Deputy Director, Wesley Dust, Executive Engineer, and Steven V. D'Amico, Budget/Financial Analyst, recommend approval of said amendment;

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

That the Authority's Annual Capital Budget for the fiscal year 2010 be amended by making the necessary adjustments listed above.

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

Noes: None

**ITEM 15 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER  
AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2010**

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

**WHEREAS**, In a resolution dated November 30, 2009, the Erie County Water Authority (the "Authority") adopted its Annual O&M and Capital Budgets for the fiscal year 2010; and

**WHEREAS**, From time to time, due to changes in spending priorities, availability of funds, or changes in other circumstances, the Authority finds it proper to amend its Budget to reflect such changes; and

**WHEREAS**, The Authority has been advised by Richard Rosenberry, Senior Distribution Engineer, that contract EA-9B, budget item number 100770, involving drainage and paving improvements at Sturgeon Point, was initially budgeted under unit 1010 – Sturgeon Point; and

**WHEREAS**, Due to the scope and size of this project, it should be budgeted under unit 2510 – Engineering/Construction Sturgeon Point; and

**WHEREAS**, In order to move this project from unit 1010 – Sturgeon Point to unit 2510 - Engineering/Construction Sturgeon Point, funds within the capital budget will need to be re-allocated as follows:

<u>Unit No</u>	<u>Capital No.</u>	<u>Description</u>	<u>Increase</u>	<u>Decrease</u>
1010	100770	Contract EA-9B		<u>\$ 250,000</u>
2510	100770	Contract EA-9B	<u>\$ 250,000</u>	
Totals			\$ 250,000	\$250,000

**WHEREAS**, Robert A. Mendez, Executive Director, Robert J. Lichtenthal Jr., Deputy Director, Wesley Dust, Executive Engineer, and Steven V. D'Amico, Budget/Financial Analyst, recommend approval of said amendment;

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

That the Authority's Annual Capital Budget for the fiscal year 2010 be amended by making the necessary adjustments listed above.

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

**ITEM 16 - 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 18-25 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 - 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 26 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 - SERVICE CONNECTION WORK ORDER LIST:**

Motion by Mr. Warthling seconded by Mr. O'Donnell and carried to approve Service Connection Work Order Nos. 2010-31 and 2010-32, 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, September 2, 2010.

Matthew J. Baudo  
Secretary to the Authority/Personnel Director

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