

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held Salvatore=s Italian Gardens, 6461 Transit Road, Depew, New York, , on the 16th day of September, 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:

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, September 2, 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, September 2, 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 - CREATION OF MASTER PURCHASE ORDERS:

Motion by Mr. Warthling seconded by Mr. O'Donnell and carried to approve the creation of Master Purchase Order Nos. as listed on the attached page 1 not to exceed the amount of \$9,500.00 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. O'Donnell and carried to approve for payment of Master Purchase Order Nos. as listed on the attached pages 1-16 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.

VI. - UNFINISHED BUSINESS (NONE)

VII. - NEW BUSINESS (RESOLUTIONS 3-14)

ITEM 3 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH HSQ TECHNOLOGY TO RENDER PROFESSIONAL SERVICES IN CONNECTION WITH SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) SYSTEM MAINTENANCE SERVICE FROM JUNE 1, 2010 TO MAY 31, 2013 AT A TOTAL COST OF \$129,528.00

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

WHEREAS, The Erie County Water Authority ("Authority") entered into a Maintenance Service Agreement with HSQ Technology ("HSQ") to perform maintenance services at the Authority's site including testing, inspection and cleaning as necessary for the equipment obtained from HSQ for the Authority's SCADA system; and

WHEREAS, This agreement expired on May 31, 2010; and

WHEREAS, Robert A. Niederpruem, Sr. Production Engineer, advised that HSQ is the sole source for parts and service, and that the Authority has been pleased with the services performed by HSQ; and

WHEREAS, HSQ has submitted an agreement to perform the abovementioned services at the contract price of \$129,528.00 for the period of June 1, 2010 to May 31, 2013; and

WHEREAS, Robert A. Niederpruem, Sr. Production Engineer and Wesley C. Dust, Executive Engineer recommend acceptance of said agreement by the Authority; and

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

NOW, THEREFORE, BE IT RESOLVED:

That the Authority accepts the agreement of HSQ to render professional services in connection with Supervisory Control and Data Acquisition System maintenance services under the terms and conditions set forth in said agreement; 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 HSQ.

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

ITEM 4 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH E-3 COMMUNICATIONS, INC. TO RENDER PUBLIC RELATIONS SERVICES

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

WHEREAS, The Erie County Water Authority (the "Authority") solicited proposals for public relations services; and

WHEREAS, Three firms submitted the proposals, and after review by the Authority's staff, it was determined that the top ranked firm was E-3 Communications, Inc.; and

WHEREAS, The selection process was based on qualifications, relevant experience, knowledge of the Authority and its requirements and the specific proposals to achieve the objectives; and

WHEREAS, The Authority deems it advisable to have E-3 Communications, Inc. render public relations services; and

WHEREAS, The Authority agrees to pay E-3 Communications, Inc. for services described in said proposal in accordance with the terms as outlined said proposal; and

WHEREAS, Matthew J. Baudo, Secretary to the Authority and Robert A. Mendez, Executive Director recommend acceptance of said proposal by the Authority;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority desires to enter into a Professional Services Agreement with E-3 Communications, Inc. to render public relations services under the terms and conditions set forth in said agreement; 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 E-3 Communications, Inc.

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

ITEM 5 - AUTHORIZATION TO ACCEPT PROPOSAL OF HAMLET OF CLARENCE, LLC, FOR THE CONSTRUCTION AND INSTALLATION OF APPROXIMATELY 2,959 LF OF EIGHT (8") INCH PVC PIPE, 103 LF OF EIGHT (8") INCH DUCTILE IRON PIPE AND SIX (6) HYDRANTS IN SHADOWWOODS O.S.D.D. SUBDIVISION, TOWN OF CLARENCE, PROJECT NO. 200900268, EC NO. 6003

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 Hamlet of Clarence, LLC for the installation of approximately 2,959 lf of eight (8") inch PVC pipe, 103 lf of eight (8") inch

ductile iron pipe and six (6) hydrants in Shadowwoods O.S.D.D. Subdivision, Town of Clarence; 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-6003; 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 Hamlet of Clarence, LLC for the installation of approximately 2,959 lf of eight (8") inch PVC pipe, 103 lf of eight (8") inch ductile iron pipe and six (6) hydrants in Shadowwoods O.S.D.D. Subdivision, 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 Hamlet of Clarence, LLC covering the abovementioned subdivision.

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

ITEM 6 - AWARD OF CONTRACT TO R.M. HEADLEE CO., INC. FOR THE FURNISHING AND DELIVERING OF FIBERGLASS REINFORCED PLASTIC HANDRAIL ASSEMBLIES, PROJECT NO. 201000111 - \$22,336.00

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 7th day of July, 2010, and in Business First on the 9th 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 fiberglass reinforced plastic handrail assemblies; and

WHEREAS, A sealed bid or proposal was opened in the office of the Authority on the 27th day of July, 2010, at 11:00 a.m., local time, and was as follows:

BIDDER	AMOUNT
R.M. Headlee Co., Inc.*	\$22,336.00

*Only bid received; and

WHEREAS, The Cashier's check has 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 R.M. Headlee Co., Inc. 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 R.M. Headlee Co., 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 R.M. Headlee Co., 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 fiberglass reinforced plastic handrail assemblies in the total amount of \$22,336.00; 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 7 - AWARD OF CONTRACT TO TRANSWAVE COMMUNICATIONS SYSTEMS, INC. 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 - \$399,094.45

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 18th day of August, 2010, and in Business First on the 20th day of August, 2010, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for the installation and maintenance of one GB microwave radio and antenna(s) between the Authority's Service Center and Ellicott Square Building; and

WHEREAS, A sealed bid or proposal was opened in the office of the Authority on the 7th day of September, 2010, at 11:00 a.m., local time, and was as follows:

BIDDER	AMOUNT
Transwave Communications Systems, Inc.*	\$399,094.45*

*Only bid received; and

WHEREAS, Robert Brown, Director of Equal Employment Opportunity, has advised that the low bidder, Transwave Communications Systems, 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 specification and bid and determined that Transwave Communications Systems, 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 Transwave Communications Systems, 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 installation and maintenance of one GB microwave radio and antenna(s) between the Authority's Service Center

and Ellicott Square Building in the total amount of \$399,094.45; 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 8 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR CONTRACT NO. NC-33A, POLE BARN AT WINDOM PUMP STATION, PROJECT NO. 201000106

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 Contract No. NC-33A, pole barn at Windom Pump Station; and

WHEREAS, The work, labor and services for the abovementioned project is estimated to cost an amount in excess of \$5,000.00; and

WHEREAS, The Advertisement for Bids for Contract No. NC-33A, pole barn at Windom Pump Station 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, Nussbaumer & Clarke, Inc., Consulting Engineers will be the designated contact 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 Contract No. NC-33A, pole barn at Windom Pump Station 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 9 - APPROVAL OF CHANGE ORDER NO. 2 OF CONCEPT CONSTRUCTION CORP. FOR CONTRACT NO. NC-32-A, INSTALLATION OF PERMANENT STANDBY POWER AT VAN DE WATER TREATMENT PLANT, BALL STATION AND WINDOM PUMP STATION, PROJECT NO. 200800010, CONTRACT NO. 09-13-04 - \$4,473.89

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

WHEREAS, Heretofore and on the 26th day of March, 2009, the Erie County Water Authority ("Authority") entered into a contract with Concept Construction Corp. for Contract No. NC-32-A, installation of permanent standby power at Van de Water Treatment Plant, Ball Station and Windom Pump Station, identified as Contract No. 09-13-04; and

WHEREAS, Said contractor has submitted Change Order No. 2 in the sum of \$4,473.89 to provide for the following changes:

1. Post Glover resistors at Van de Water Treatment Plant and Ball Pump Station
2. Additional electronics for locksets at each site
3. Transport ECWA's transformer from Van de Water to Ball Pump Station
4. Modifications to interconnection to high voltage service at Van de Water
5. ST fiber terminations
6. Installation of 86 relay at Van de Water Treatment Plant and Ball Pump Station
7. High/low temperature switches at each site
8. Generator battery fail signal to SCADA system at each site
9. Reimbursement for fuel provided by Authority
10. Work was not substantially completed within the time specified; and

WHEREAS, The reasons for the above changes are as follows:

1. Additional grounding for 2000 KW standby generators
2. To coordinate with Authority's standardized lock sets
3. To reuse an existing transformer previously taken out of service
4. Existing conditions could not be determined prior to construction
5. Added per the request of the Authority

6. Added per the request of the Authority
7. Additional monitoring points required for the SCADA system
8. Added per the request of the Authority
9. Authority transferred fuel from rental generators to fuel storage tanks
10. Delays in delivery, installation, startup and testing of generators resulting in additional costs incurred by the Authority; and

WHEREAS, Nussbaumer & Clarke, Inc., Consulting Engineers, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend approval of said Change Order No. 2;

NOW, THEREFORE, BE IT RESOLVED:

That Change Order No. 2 of Concept Construction Corp. in the amount of \$4,473.89 to provide for the abovementioned change be approved; and be it further

RESOLVED: That the Chairperson be and she hereby is authorized to execute said Change Order No. 2 on behalf of the Authority.

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

ITEM 10 - FINAL ACCEPTANCE OF PROJECT WITH CONCEPT CONSTRUCTION CORP. FOR CONTRACT NO. NC-32-A, INSTALLATION OF PERMANENT STANDBY POWER AT VAN DE WATER TREATMENT PLANT, BALL STATION AND WINDOM PUMP STATION, PROJECT NO. 200800010, CONTRACT NO. 09-13-04 - \$202,383.85

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

WHEREAS, Heretofore and on the 26th day of March, 2009, the Erie County Water Authority ("Authority") entered into a contract with Concept Construction Corp. for Contract No. NC-32-A, installation of permanent standby power at Van de Water Treatment Plant, Ball Station and Windom Pump Station, identified as Contract No. 09-13-04; and

WHEREAS, Concept Construction Corp. has submitted a final invoice in the amount of \$202,383.85; and

WHEREAS, Nussbaumer & Clarke, Inc., Consulting Engineers, Wesley C. Dust, P.E., Executive Engineer, and Robert A. Mendez, Executive Director, recommend acceptance of said project;

NOW, THEREFORE, BE IT RESOLVED:

That the above project is hereby accepted by the Authority as of the date hereof.

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

Noes: None

ITEM 11 - AUTHORIZATION FOR JOHN HANLEY, MANAGER OF DATA PROCESSING TO ATTEND THE IBM POWER SYSTEMS TECHNICAL UNIVERSITY IN LAS VEGAS, NEVADA

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

WHEREAS, The Erie County Water Authority deems it advisable for John Hanley, Manager of Data Processing to attend the IBM Power Systems Technical University in Las Vegas, Nevada at a total estimated cost of \$2,195;

NOW, THEREFORE, BE IT RESOLVED:

That John Hanley, Manager of Data Processing be and he is hereby authorized to travel to Las Vega, Nevada from October 18, 2010 to October 22, 2010 to attend IBM Power Systems Technical University at a total estimated cost of \$2,195.00.

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

Noes: None

ITEM 12 - 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 17-27 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 13 - 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 28 after certification by the Comptroller that the orders are in accordance with the quotations and that the Director of Administration be authorized to execute the above and all associated documents after certifying that they are in conformity with applicable laws and the Authority's By-Laws and Purchasing Guidelines, Policies and Procedures.

ITEM 14 - SERVICE CONNECTION WORK ORDER LIST:

Motion by Mr. Warthling seconded by Mr. O'Donnell and carried to approve Service Connection Work Order Nos. 2010-35 and 2010-36, 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 30, 2010.

Matthew J. Baudo
Secretary to the Authority/Personnel Director

SLZ