

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 30th 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
Susan Rinaldo, Cash Manager
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, September 16, 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 16, 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 \$5,963.53 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 1-14 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 3-17)

ITEM 3 - FINAL ACCEPTANCE OF PROJECT WITH CONCEPT CONSTRUCTION CORP. FOR AREA NO. 1 RESTORATION, APRIL 1, 2008 THROUGH MARCH 31, 2010, PROJECT NO. 200800016, CONTRACT NO. 08-11-04 - \$80,445.31

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

WHEREAS, Heretofore and on the 20th day of March, 2008, the Erie County Water Authority ("Authority") entered into a contract with Concept Construction Corp. for Area No. 1 Restoration, April 1, 2008 through March 31, 2010, identified as Contract No. 08-11-04; and

WHEREAS, Concept Construction Corp. has submitted a final invoice in the amount of \$80,445.31; and

WHEREAS, 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 4 - 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 September 20, 2010 that there will be available on October 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 5 - INVESTMENT OF FUNDS FROM THE MANUFACTURERS & TRADERS TRUST COMPANY, DEBT SERVICE FUND WATER WORKS SYSTEM REVENUE REFUNDING BONDS, SERIES 1998B - \$111,526.65

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

WHEREAS, Susan Rinaldo, Cash Manager advised under date of September 20, 2010 that there will be available on October 1, 2010 the following amounts in the Debt Service Fund Water Works System Revenue Refunding Bonds, Series 1998B:

Interest Account \$39,859.98
Principal Account \$71,666.67

and has recommended that the Manufacturers & Traders Trust Company, as Fiscal Agent, be authorized to invest from the Interest Account, in the amount of \$20,751.35 to mature in time for the October 15, 2010 and invest from the Interest Account, in the amount of \$19,108.63 to mature in time for the April 15, 2011 and invest from the Principal Account in the amount of \$71,666.67 to mature in time for the October 15, 2011 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 \$20,751.35 to mature in time for the October 15, 2010 and invest from the Interest Account, in the amount of \$19,108.63 to mature in time for the April 15, 2011 and invest from the Principal Account in the amount of \$71,666.67 to mature in time for the October 15, 2011 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 6 - 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 September 20, 2010 that there will be available on October 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 7 - 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 September 20, 2010 that there will be available on September 24, 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 8 - 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 September 20, 2010 that there will be available on September 24, 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 9 - AUTHORIZATION TO EXECUTE PRELIMINARY UTILITY WORK AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR PMI: ADA COMPLIANCE PROJECT SFY 2010/2011, VARIOUS LOCATIONS, ERIE AND NIAGARA COUNTIES, PROJECT NO. 201000238, IDENTIFIED AS PIN NO. 5808.24

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

WHEREAS, Wesley C. Dust, P.E., Executive Engineer, has advised that the New York State Department of Transportation ("NYSDOT") has submitted forms for Preliminary Utility Work Agreement for work to be performed on Authority facilities due to the project described as PMI: ADA Compliance Project SFY 2010/2011, various locations, Erie and Niagara Counties, identified as PIN No. 5808.24; and

WHEREAS, The manhole cover and water valve presently located on State Right-of-Way are to be adjusted in conflict with construction per contract documents; and

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

NOW, THEREFORE, BE IT RESOLVED:

That the Chairperson, or in her absence the Vice Chairman, be and he hereby is authorized and directed to enter into a Preliminary Utility Work Agreement with the NYSDOT for the abovementioned project identified as PMI: ADA Compliance Project SFY 2010/2011, various locations, Erie and Niagara Counties, identified as PIN No. 5808.24; and be it further

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

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

Noes: None

ITEM 10 - AUTHORIZATION TO EXECUTE GENERAL RELEASE IN CONNECTION WITH COST OF RELOCATING MUNICIPALLY OWNED FACILITIES MAINTAINED FOR PUBLIC USE (SUBDIVISION 24, SECTION 10, OF THE HIGHWAY LAW) FOR HAMBURG TURNPIKE, SH 49-10, AND SH 50-2 NY ROUTE 5, BIN 1-00149-0 OVER SMOKES CREEK, CITY OF LACKAWANNA, PROJECT NO. 199700360, IDENTIFIED AS PIN NO. 5034.94 - \$538.37

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

WHEREAS, By resolution identified as Item No. 5 of the Minutes of the Meeting of August 26, 1999, the Erie County Water Authority ("Authority"), a public benefit corporation in the County of Erie and State of New York, entered into a Preliminary Utility Work Agreement with the New York State Department of Transportation ("NYSDOT") acting by and through Adele Cannarozzo, Regional Utilities Engineer for the Commissioner of Transportation, for Hamburg Turnpike, SH 49-10, and SH 50-2 NY Route 5, BIN 1-00149-0 over Smokes Creek, City of Lackawanna, identified as PIN No. 5034.94 at an amount not to exceed \$8,494.00; and

WHEREAS, By resolution identified as Item No. 3 of the Minutes of the Meeting of November 19, 2009, the Authority entered into an Agreement in Connection with Cost of Relocating Municipally Owned Facilities Maintained for Public Use (Subdivision 24, Section 10 of the Highway Law) in an amount not to exceed \$538.37; and

WHEREAS, All the work under said Agreements has been performed by the employment of the forces and the use of the equipment of the Authority or by contract between the Authority and others and accepted by the State of New York; and

WHEREAS, The NYSDOT under date of September 8, 2010, submitted a Utility Field Audit Report for costs incurred in the relocation of the Authority's facilities in the adjusted amount of \$538.37 and has requested the execution of a General Release in said amount; and

WHEREAS, Wesley C. Dust, P.E., Executive Engineer and Karen A. Prendergast, Comptroller have verified the Summary of Costs and recommended executing the General Release in the adjusted amount of \$538.37;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority hereby authorizes the Chairperson to execute a General Release to the State of New York in consideration of the sum of \$538.37 to it previously paid in part, the balance of which is to be duly paid by the State of New York, the receipt whereof is to be confessed and acknowledged and which sum is in complete and full reimbursement for the work

performed by the said Authority, which does for itself, its successors and assigns, in all things give full release and discharges the said State of New York, its officers, agents and employees, from all claims, demands and liabilities of every kind and nature, legal or equitable, occasioned by or arising out of the work performed by the Authority under said Agreement; and be it further

RESOLVED: That the Secretary be and he hereby is authorized to forward the original and three copies of the executed General Release to Richard Lunz, Regional Utilities Engineer, New York State Department of Transportation, 100 Seneca Street, Buffalo, New York, 14203.

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

ITEM 11 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL CONTRACTING SERVICE AGREEMENT WITH ROY TEITSWORTH, INC. FOR AUCTIONEER SERVICES IN CONNECTION WITH THE ERIE COUNTY WATER AUTHORITY'S VEHICULAR AUCTION FOR THE YEARS 2010, 2011 AND 2012, IDENTIFIED AS CONTRACT NO. RT-004, PROJECT NO. 201000272

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

WHEREAS, Heretofore and on the 19th day of August, 2010, the Erie County Water Authority's ("Authority") Board of Commissioners authorized the issuance of a Request for Proposals ("RFP") for auctioneer services in connection with the Authority's Vehicular Auction for the years 2010, 2011 and 2012; and

WHEREAS, A copy of the RFP was sent to:

Roy Teitsworth, Inc.
Anderson Auction
International Auctions
Bontrager Auction Service
Faery Auctions; and

WHEREAS, Proposals for Auctioneer Services were received from Roy Teitsworth, Inc. and International Auctions; and

WHEREAS, The RFP process was conducted pursuant to the enacted state legislation (New York State Finance Law ' ' 139-j and 139-k) and the Authority's Purchasing Guidelines, Policies and Procedures; and

WHEREAS, Upon evaluating the response to the RFP, the Authority deems it advisable to have Roy Teitsworth, Inc. render professional auctioneer services on behalf of the Authority;

and

WHEREAS, Roy Teitsworth, Inc. is the most qualified, lowest, responsible RFP respondent to perform services required; and

WHEREAS, Paul H. Riestler, Director of Administration, 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 Roy Teitsworth, Inc. to provide the Authority with professional auctioneer services 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 Roy Teitsworth, Inc.

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

Noes: None

ITEM 12 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL CONTRACTING SERVICE AGREEMENT WITH MATRIX IMAGING SOLUTIONS, INC. FOR BILL PRINTING, PRESENTATION, AND PAYMENT ALTERNATIVES, IDENTIFIED AS CONTRACT NO. MIS-1, PROJECT NO. 201000277

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

WHEREAS, Heretofore and on the 27th day of May, 2010, the Erie County Water Authority's ("Authority") Board of Commissioners authorized the issuance of a Request for Proposals ("RFP") for the preparation and presentment of water billings, collection notices and read by mail postcards to customers of the Authority and receipt of payments by alternative methods including electronic payments from customers of the Authority; and

WHEREAS, A copy of the RFP was sent to:

Alliance Data Systems	Matrix Imaging Solutions
Bowe/Bell & Howell	ModPac, Inc.
Compu-Mail	Online Resources Corp.
CSG Systems Inc.	Paymentus Corp.
Datamatx	RR Donnelley
Divdat	Sebis Direct
Financial Imaging	Systems East, Inc.
HSBC	The Rosen Group
JP Morgan Chase	The Shamrock Companies
Keller Brothers & Miller	The Standard Register Co.
Kubra	UBill Advance
Manufacturers and Traders Trust Company	Zenger Group; and

WHEREAS, Proposals for Phase I bill printing services were received from:

API Outsourcing/The Rosen Group	Kubra
Applied Business Systems	Matrix Imaging Solutions
Bowe/Bell & Howell	RR Donnelley
Compu-Mail	Sebis Direct
CSG Systems Inc.	The Triangle Group
Datamatx Inc.	The Standard Register Co.
Divdat	Zenger Group; and
Infosend	

WHEREAS, The RFP process was conducted pursuant to the enacted state legislation (New York State Finance Law ' ' 139-j and 139-k) and the Authority's Purchasing Guidelines, Policies and Procedures; and

WHEREAS, Upon evaluating the responses to the RFP, the Authority deems it advisable to have Matrix Imaging Solutions, Inc. render Phase I professional bill printing services on behalf of the Authority; and

WHEREAS, Matrix Imaging Solutions, Inc. is deemed the most qualified, lowest, responsible RFP respondent to perform services required; and

WHEREAS, Robert J. Lichtenthal, Deputy Director and Paul Riester, Director of Administration recommend acceptance of said proposal by the Authority;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority accepts the proposal of Matrix Imaging Solutions, Inc. to provide the Authority with Phase I professional bill printing services 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 Matrix Imaging Solutions, Inc.

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

Noes: None

ITEM 13 - REFUND FOR NEW SERVICE INSTALLATIONS - \$11,911.39

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

WHEREAS, The Erie County Water Authority ("Authority") has installed new services identified on its records by OWIP numbers; and

WHEREAS, Said new services have been completed and the actual cost thereof ascertained; and

WHEREAS, The entire actual cost thereof is less than the estimated cost of the new services; and

WHEREAS, Karen A. Prendergast, Comptroller, under the date of September 30, 2010, has recommended that the following refunds be made as set forth on attached Schedule "A";

NOW, THEREFORE, BE IT RESOLVED:

That the Authority repay the difference between the estimated cost of said new services and the entire actual costs thereof to the parties and in the amounts hereinafter set forth on attached Schedule "A".

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 Capital Budget 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, Budget item# 100749 contained \$110,000 for the replacement of vehicle number eighteen (18) – 2001 International Dump Truck; and

WHEREAS, The Authority has since been advised by Robert Guggemos, Distribution Engineer, that vehicle number forty three (43) – 2002 International Dump Truck, has become a higher priority for replacement this year due to an increased state of repair; and

WHEREAS, Budgeted Funds initially allocated to replace vehicle number eighteen (18) should be used to replace vehicle number forty three (43), changing the description of budget item# 100749 to address the replacement of vehicle number forty three (43); and

WHEREAS, Vehicle number eighteen (18) will be budgeted to be replaced in the 2011 capital budget; and

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 changing budget item# 100749 from replacement of vehicle number eighteen(18) to replacement of vehicle number forty three (43).

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 15-23 after certification by the Comptroller that the orders are in accordance with the quotations and that the Director of Administration be authorized to execute the above and all associated documents after certifying that they are in conformity with applicable laws and the Authority's By-Laws and Purchasing Guidelines, Policies and Procedures.

ITEM 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 24 after certification by the Comptroller that the orders are in accordance with the quotations and that the Director of Administration be authorized to execute the above and all associated documents after certifying that they are in conformity with applicable laws and the Authority's By-Laws and Purchasing Guidelines, Policies and Procedures.

ITEM 17 - SERVICE CONNECTION WORK ORDER LIST:

Motion by Mr. Warthling seconded by Mr. O'Donnell and carried to approve Service Connection Work Order Nos. 2010-37, 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, October 14, 2010.

Matthew J. Baudo
Secretary to the Authority/Personnel Director

SLZ

9/30/10