

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 14th day of October, 2010.

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

ATTENDEES: DANIEL RUSIN
BRIAN GOULD

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 30, 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 30, 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 \$18,000.00 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 1-14 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 3-11)

ITEM 3 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH MALCOLM PIRNIE, INC. TO RENDER PROFESSIONAL ENGINEERING SERVICES FOR COAGULATION BASIN IMPROVEMENTS AT THE ERIE COUNTY WATER AUTHORITY'S VAN DE WATER TREATMENT PLANT, IDENTIFIED AS CONTRACT NO. MP-76, PROJECT NO. 201000102 AT A TOTAL ENGINEERING COST OF \$1,690,000.00

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

WHEREAS, Heretofore and on the 10th 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 was 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 Van De Water Treatment Plant Coagulation Basin Improvements were received from O'Brien & Gere, Malcolm Pirnie, Inc., Stearns & Wheeler, LLC 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 Van De Water Treatment Plant Coagulation Basin Improvements be awarded to Malcolm Pirnie, Inc.; and

WHEREAS, The Authority deems it advisable to have Malcolm Pirnie, Inc. provide the Authority with the design and construction of flocculation and sedimentation upgrades at the Van de Water Treatment Plant Coagulation Basins located in the Town of Tonawanda; and

WHEREAS, The Authority agrees to pay Malcolm Pirnie, 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 Malcolm Pirnie, Inc. to render professional engineering services for coagulation basin improvements at the Authority's Van de Water Treatment Plant, identified as Contract No. MP-76, 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 Malcolm Pirnie, Inc.

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

Noes: None

ITEM 4 - AUTHORIZATION TO ENTER INTO A RENEWAL AGREEMENT WITH VISION SERVICE PLAN (VSP) FOR PAYMENT OF VISION INSURANCE PREMIUMS FOR ERIE COUNTY WATER AUTHORITY NON-REPRESENTED/MANAGERIAL AND AFSCME EMPLOYEES FOR THE PERIOD OF SEPTEMBER 1, 2010 THROUGH AUGUST 31, 2012

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

WHEREAS, The Erie County Water Authority's ("Authority") Plan term with Vision Service Plan ("VSP") for vision insurance coverage premiums for Authority Non-Represented/Managerial and AFSCME employees (Group No. 04108103) expired on August 31, 2010; and

WHEREAS, VSP has submitted a renewal agreement to perform the abovementioned services through August 31, 2012; and

WHEREAS, Daniel J. NeMoyer, Director of Human Resources and Robert A. Mendez, Executive Director recommend acceptance of said agreement by the Authority;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority accepts the renewal agreement of VSP for vision insurance coverage premiums for Authority Non-Represented/Managerial and AFSCME employees (Group No.

04108103) the period September 1, 2010 through August 31, 2012 under the terms and conditions set forth in said agreement; and be it further

RESOLVED: That the Executive Director be and he 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 VSP.

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

Noes: None

ITEM 5 - AUTHORIZATION OF EARLY REDEMPTION OF FOURTH RESOLUTION WATER REVENUE BONDS, SERIES 1998-A

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

WHEREAS, Robert J. Lichtenthal, Jr., Deputy Director, recommends that the Authority exercise its right to redeem all remaining outstanding Fourth Resolution Water Revenue Bonds, Series 1998-A; and

WHEREAS, Mr. Lichtenthal, based on his analysis and consultation with the Authority's financial adviser, Public Financial Management, Inc., the results of which have been provided to the Authority's Commissioners, recommends that all such remaining outstanding bonds be redeemed on December 15, 2010 for a redemption price equal to 100% of the principal amount of such bonds, together with accrued and unpaid interest on such bonds to such redemption date; and

WHEREAS, Mr. Lichtenthal advises that the Authority has sufficient Available Revenues, as defined in the Fourth General Water Revenue Bond Resolution adopted by the Authority on July 9, 1992, with which to pay said redemption price and the costs expected to be incurred in connection with such redemption, and that such funds are not expected to be required for the operational or capital requirements of the Authority;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority authorizes the redemption on December 15, 2010, of all remaining outstanding Fourth Resolution Water Revenue Bonds, Series 1998-A, at a redemption price equal to 100% of the principal amount of such bonds, together with accrued and unpaid interest on such bonds to such redemption date; and be it further

RESOLVED, That the Authority pay all costs incurred in connection with such redemption, including without limitation, the costs of any required notices and the costs of Manufacturers and Traders Trust Company, as Trustee, and counsel to the Authority, in connection with such redemption; and be it further

RESOLVED, That the Executive Director and Deputy Director of the Authority are hereby authorized and directed to take all such steps and execute all such documentation as they may deem necessary or appropriate to carry out the foregoing resolutions, including without limitation the giving of notice of such redemption not earlier than October 18, 2010, and not later than October 29, 2010, to the New York State Environmental Facilities Corporation and to Manufacturers and Traders Trust Company, as Trustee.

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

ITEM 6 - APPROVAL OF AMENDMENT NO. 1 OF NUSSBAUMER & CLARKE, INC. TO PROVIDE CONSULTING ENGINEERING SERVICES FOR THE INSTALLATION OF PERMANENT STANDBY POWER AT VAN DE WATER TREATMENT PLANT, BALL PUMP STATION AND WINDOM PUMP STATION, IDENTIFIED AS CONTRACT NO. NC-32A, PROJECT NO. 200800010 - \$10,600.00

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

WHEREAS, Heretofore and on the 24th day of January, 2008, the Erie County Water Authority ("Authority") entered into an agreement with Nussbaumer & Clarke, Inc. for consulting engineering services for the installation of permanent standby power at Van de Water Treatment Plant, Ball Pump Station and Windom Pump Station, identified as Contract No. NC-32; and

WHEREAS, Said consultant has submitted Amendment No. 1 in the sum of \$10,600.00 due to additional work performed under General Services Phase of the Professional Services Contract; and

WHEREAS, The reason for said change is because additional costs were incurred by the Consultant due to the contractor not completing the work within the time allowed for substantial and final completion. These additional costs were recovered from the construction contract through liquidated damages assessment; and

WHEREAS, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend approval of said Amendment No. 1;

NOW, THEREFORE, BE IT RESOLVED:

That Amendment No. 1 of Nussbaumer & Clarke, Inc. in the amount of \$10,600.00 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 Amendment No. 1 on behalf of the Authority.

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

Noes: None

ITEM 7 - RATIFICATION OF THE INSTALLATION OF HYDRANTS AND VALVES AND RETIREMENT OF EXISTING HYDRANTS AND VALVES - VARIOUS LOCATIONS

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

WHEREAS, The Engineering Department of the Erie County Water Authority ("Authority") advised that hydrants and valves were installed as part of the Authority's program to keep pace with improvements in fire fighting technology, as follows:

Replace existing hydrant at 21 Brauncroft Lane, Town of Amherst with a new Kennedy K81 hydrant on 9/7/10. Work done by ECWA forces under Work Authorization No. 107.200 6015.

Old hydrant originally installed in 1952 was scrapped and retired under Retirement Authorization No. R100083.

Replace existing hydrant at 1006 Beach Road, Town of Cheektowaga with a new Mueller Centurion hydrant on 8/10/10. Work done by ECWA forces under Work Authorization No. 107.200 6004.

Old hydrant originally installed in 1931 was scrapped and retired under Retirement Authorization No. R100072.

Replace existing hydrant at 39 Burdette Drive, Town of Cheektowaga with a new Kennedy K81 hydrant on 8/9/10. Work done by ECWA forces under Work Authorization No. 107.200 6002.

Old hydrant originally installed in 1944 was scrapped and retired under Retirement Authorization No. R100071.

Replace existing hydrant at 296 Burke Drive, Town of Cheektowaga with a new Kennedy K81 hydrant on 8/11/10. Work done by ECWA forces under Work Authorization No. 107.200 6005.

Old hydrant originally installed in 1941 was scrapped and retired under Retirement Authorization No. R100073.

Replace existing hydrant at 670 Cleveland Drive, Town of Cheektowaga with a new Kennedy hydrant on 9/7/10. Work done by ECWA forces under Work Authorization No. 107.200 6016.

Old hydrant originally installed in 1935 was scrapped and retired under Retirement Authorization No. R100084.

Replace existing hydrant at 194 Oehman Blvd., Town of Cheektowaga with a new Kennedy hydrant on 8/23/10. Work done by ECWA forces under Work Authorization No. 107.200 6012.

Old hydrant originally installed in 1938 was scrapped and retired under Retirement Authorization No. R100080.

Replace existing hydrant at 240 Oehman Blvd., Town of Cheektowaga with a new Kennedy hydrant on 8/25/10. Work done by ECWA forces under Work Authorization No. 107.200 6013.

Old hydrant originally installed in 1938 was scrapped and retired under Retirement Authorization No. R100081.

Replace existing hydrant at 154 Steven Drive, Town of Cheektowaga with a new Kennedy K81 hydrant on 6/23/10. Work done by ECWA forces under Work Authorization No. 107.200 5982.

Old hydrant originally installed in 1964 was scrapped and retired under Retirement Authorization No. R100053.

Replace existing hydrant at 311 Adam Street, City of Lackawanna with a new Kennedy hydrant on 8/31/10. Work done by ECWA forces under Work Authorization No. 107.200 6044.

Old hydrant originally installed prior to 2004 was scrapped and retired under Retirement Authorization No. R100082.

Replace existing valve at corner of Olney Drive and Crosby Blvd., Town of Amherst with a new resilient seat valve on 8/19/10. Work done by ECWA forces under Work Authorization No. 107.200 6010.

Old valve originally installed in 1928 was scrapped and retired under Retirement Authorization No. R100078.

Replace existing valve at corner of Cherokee Drive and Meadow Pl., Town of Cheektowaga with a new resilient seat valve on 8/4/10. Work done by ECWA forces under Work Authorization No. 107.200 5998.

Old valve originally installed in 1927 was scrapped and retired under Retirement Authorization No. R100067.

Replace existing valve at corner of Cherokee Drive and Meadow Place, Town of Cheektowaga with a new resilient seat valve on 8/4/10. Work done by ECWA forces under Work Authorization No. 107.200 5999.

Old valve originally installed in 1927 was scrapped and retired under Retirement Authorization No. R100068.

Replace existing valve at corner of Cherokee Drive and Woodbine Place, Town of Cheektowaga with a new resilient seat valve on 8/5/10. Work done by ECWA forces under Work Authorization No. 107.200 6000.

Old valve originally installed in 1927 was scrapped and retired under Retirement Authorization No. R100069.

Replace existing valve at corner of Cherokee Drive and Woodbine Place, Town of Cheektowaga with a new resilient seat valve on 8/5/10. Work done by ECWA forces under Work Authorization No. 107.200 6001.

Old valve originally installed in 1927 was scrapped and retired under Retirement Authorization No. R100070.

Replace existing valve at corner of Dowmer Place and Ludwig Avenue, Town of Cheektowaga with a new resilient seat valve on 8/2/10. Work done by ECWA forces under Work Authorization No. 107.200 5997.

Old valve originally installed in 1964 was scrapped and retired under Retirement Authorization No. R100066.

Replace existing valve at 170 Gardenvale Drive, Town of Cheektowaga with a new resilient seat valve on 8/17/10. Work done by ECWA forces under Work Authorization No. 107.200 6007.

Old valve originally installed in 1940 was scrapped and retired under Retirement Authorization No. R100075.

Replace existing valve at corner of Huth Road and Oehman Blvd., Town of Cheektowaga with a new resilient seat valve on 8/19/10. Work done by ECWA forces under Work Authorization No. 107.200 6009.

Old valve originally installed in 1940 was scrapped and retired under Retirement Authorization No. R100077.

Replace existing valve at corner of Huth Road and Oehman Blvd., Town of Cheektowaga with a new resilient seat valve on 8/20/10. Work done by ECWA forces under Work Authorization No. 107.200 6011.

Old valve originally installed in 1940 was scrapped and retired under Retirement Authorization No. R100079.

Installed new valve at 54 Virginia Road, Town of Cheektowaga on 7/29/10. Work done by ECWA forces under Work Authorization No. 107.200 5966.

Replace existing valve at corner of Colonial Drive and Patton Road, City of Tonawanda with a new resilient seat valve on 8/13/10. Work done by ECWA forces under Work Authorization No. 107.200 6006.

Old valve originally installed prior to 2004 was scrapped and retired under Retirement Authorization No. R100074; and

WHEREAS, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director ratify said installations and work;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority approve the retirement of the abovementioned hydrants and valves at the abovementioned locations; and be it further

RESOLVED: That the installation of the new hydrants and valves in the abovementioned locations, as part of the Authority's continuing program to improve its facilities is hereby approved, ratified and confirmed.

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

ITEM 8 - PAUL MIKLOS - LEAVE OF ABSENCE

Motion by Mr. Warthling seconded by Mr. O'Donnell and carried to grant Paul Miklos a leave of absence from his permanent position of Water Treatment Plant Operator for the duration of his temporary appointment to the position of Production Technician.

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

ITEM 9 - 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 15-21 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 10 - 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 22 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 11 - SERVICE CONNECTION WORK ORDER LIST:

Motion by Mr. Warthling seconded by Mr. O'Donnell and carried to approve Service Connection Work Order Nos. 2010-39 and 2010-40, 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 28, 2010.

Robert J. Lichtenthal, Jr.
Assistant Secretary to the Authority

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