

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 9th day of November, 2010.

PRESENT: Kelly M. Vacco, Chairperson
Francis G. Warthling, Vice Chairman
John F. O'Donnell, Treasurer
Robert A. Mendez, Executive Director
Robert J. Lichtenthal, Assistant Secretary to the Authority
Wesley C. Dust, Executive Engineer
Mark J. Fuzak, 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: Brian Gould
Michael Rosich

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, October 14, 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, October 14, 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 1-24 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.

VI. - UNFINISHED BUSINESS (NONE)

VII. - NEW BUSINESS (RESOLUTIONS 2-9)

**ITEM 2 - AWARD OF CONTRACT TO RW CONSTRUCTION, INC. FOR
 CONTRACT NO. NC-33A, POLE BARN AT WINDOM PUMP STATION,
 PROJECT NO. 201000106 - \$346,900.00**

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 6th day of October, 2010, and in Business First on the 8th day of October, 2010, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for Contract No. NC-33A, pole barn at Windom Pump Station; and

WHEREAS, Sealed bids or proposals were opened in the office of the Authority on the 26th day of October, 2010, at 11:00 a.m., local time, and were as follows:

BIDDERS	AMOUNT
RW Construction, Inc.	\$346,900.00
Perfect Solutions, Inc. d/b/a Building Solutions	352,340.50
Concept Construction Corporation	365,550.00
The Peyton Barlow Co., Inc.	379,194.00
Tom Greenauer Development, Inc.	480,300.00; and

WHEREAS, The bid bonds have all been approved by Anthony Alessi, Claims Representative/Risk Manager; and

WHEREAS, Robert Brown, Director of Equal Employment Opportunity, has advised that the low bidder, RW Construction, Inc. has complied with the Authority's Affirmative Action Requirements and recommends that they be allowed to proceed with their contract based on that fact; and

WHEREAS, Nussbaumer & Clarke, Inc., Consulting Engineers, C. Dust, P.E., Executive Engineer and Richard M. Rosenberry, Sr. Distribution Engineer have reviewed the specifications and bids and determined that RW Construction, Inc. is the lowest bidder qualified to perform the project and have recommended that a contract be awarded to that firm for the abovementioned project; and

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

NOW, THEREFORE, BE IT RESOLVED:

That it is hereby determined that RW Construction, Inc. is the lowest responsible bidder for the abovementioned project, and that the Chair be and she hereby is authorized and directed to execute a contract with said contractor for Contract No. NC-33A, pole barn at Windom Pump Station in the total amount of \$346,900.00; and be it further

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

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

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

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

ITEM 3 - APPROVAL OF CHANGE ORDER NO. 1 OF HAUSRATH'S LANDSCAPE MAINTENANCE, INC. FOR LANDSCAPING, GROUND IMPROVEMENTS AND MAINTENANCE OF PROPERTIES OF THE ERIE COUNTY WATER AUTHORITY, ERIE COUNTY, NEW YORK FROM APRIL 15, 2008 TO NOVEMBER 15, 2010, PROJECT NO. 200800001, CONTRACT NO. 08-06-02 - \$200,320.00

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

WHEREAS, Heretofore and on the 13th day of February, 2008, the Erie County Water Authority (Authority) entered into a contract with Hausrath's Landscape Maintenance, Inc. (Hausrath's) for landscaping, ground improvements and maintenance of properties of the Erie County Water Authority, Erie County, New York from April 15, 2008 to November 15, 2010, identified as Contract No. 08-06-02; and

WHEREAS, Said contractor has submitted Change Order No. 1 in the sum of \$200,320.00 to extend the contract for a term of one year pursuant to Paragraph 10.06 (Grounds for Renewal of Contract); and

WHEREAS, Hausrath's submitted a letter dated September 13, 2010 wishing to extend the contract for a one year period; and

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

NOW, THEREFORE, BE IT RESOLVED:

That Change Order No. 1 of Hausrath's in the amount of \$200,320.00 to provide for the abovementioned change be approved; and be it further

RESOLVED: That the Chair be and she hereby is authorized to execute said Change Order No. 1 on behalf of the Authority.

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

ITEM 4 - APPROVAL OF CHANGE ORDER NO. 2 OF C.M.H. COMPANY, INC. FOR CONTRACT NO. EA-008, WATER SYSTEM IMPROVEMENTS, CITIES OF TONAWANDA AND LACKAWANNA, TOWNS OF ORCHARD PARK AND WEST SENECA, PROJECT NO. 200800094, CONTRACT NO. 10-08-04 - \$358,637.00

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

WHEREAS, Heretofore and on the 17th day of March, 2010, the Erie County Water Authority ("Authority") entered into a contract with C.M.H. Company, Inc. for Contract No. EA-008, water system improvements, Cities of Tonawanda and Lackawanna, Towns of Orchard Park and West Seneca, identified as Contract No. 10-08-04; and

WHEREAS, Said contractor has submitted Change Order No. 2 in the sum of \$358,637.00 to provide for the following changes:

1. Addition of work for interconnection at Site HATN-1 on 1st Street at Woodlawn Avenue in the Town of Hamburg;
2. Addition of work for interconnection at Site HATN-2 on Lake Shore Road (NYS Route 5) at 1st Street in the Town of Hamburg;
3. Addition of interconnection at Site HATN-3 on Woodlawn Avenue at Lakeview Avenue in the Town of Hamburg;
4. Addition of work for interconnection at Site HATN-4 on Lake Shore Road (NYS Route 5) at Lakeview Avenue in the Town of Hamburg;
5. Addition of work for interconnection at Site CHTN-1 on Indian Road (County Road 319) at Como Park Blvd. (County Road 523) in the Town of Cheektowaga;
6. Addition of work for interconnection at Site CHTN-1 on Indian Road (County Road 319) at Rowley Road (County Road 319) in the Town of Cheektowaga;
7. Addition of work for interconnection at Site CHTN-2 on Indian Road (extended abandoned section) south of railroad tracks in the Town of Cheektowaga
8. Addition of work for interconnection at Site CHTN-3 on Old Indian Road north of railroad tracks in the Town of Cheektowaga;
9. Addition of work for installation of tapping sleeve, valve and hydrant on Niagara Street in the City of Tonawanda;

10. Addition of work for installation of 4" water service to Northeast Cleaners, 99 Niagara Street in the City of Tonawanda; and

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

1. The Authority requested additional work for Items 1 through 9; and
2. Actual field conditions varied from those anticipated during design; and

WHEREAS, Erdman Anthony, 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 C.M.H. Company, Inc. in the amount of \$358,637.00 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 Change Order No. 2 on behalf of the Authority.

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

ITEM 5 - 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 opposite 320 Wehrle Drive, Town of Amherst with a new Kennedy K81D on 9/14/10. Work done by ECWA forces under Work Authorization No. 107.200 6017.

Old hydrant originally installed in 1942 was scrapped and retired under Retirement Authorization No. R100085.

Replace existing hydrant at 4530 Greenbriar Drive, Town of Clarence with a new Kennedy K81D on 9/15/10. Work done by ECWA forces under Work Authorization No. 107.200 6019.

Old hydrant originally installed prior to 1999 was scrapped and retired under Retirement Authorization No. R100087.

Replace existing valve at corner of Roland Avenue and South Park Avenue, City of Lackawanna with a new Resilient valve on 9/23/10. Work done by ECWA forces under Work Authorization No. 107.200 6021.

Old valve originally installed in 1902 was scrapped and retired under Retirement Authorization No. R100089.

Replace existing valve at 155 Niagara Street, City of Tonawanda with a new Resilient valve on 9/14/10. Work done by ECWA forces under Work Authorization No. 107.200 6018.

Old valve originally installed prior to 2004 was scrapped and retired under Retirement Authorization No. R100086; 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 6 - AUTHORIZATION TO GRANT LEAK ALLOWANCE REQUEST - \$1,051.55

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

WHEREAS, Robert J. Lichtenthal, Jr., Deputy Director advised the Authority that he has received a leak allowance request from an Authority customer listed below resulting from a service line leak:

- 1) Maria Czuba
154 Lemoine Avenue
Cheektowaga, NY 14227
\$1,051.55; and

WHEREAS, Robert J. Lichtenthal, Jr., Deputy Director advised that the request contains documentation showing that the leak has been repaired; and

WHEREAS, Said leak allowance request has 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 request; and

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

NOW, THEREFORE, BE IT RESOLVED:

That the Authority grant the leak allowance request to the abovementioned customer; and be it further

RESOLVED: That the Comptroller is hereby authorized and directed to adjust the account of the abovementioned customer.

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

ITEM 7 - 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 25-46 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 8 - 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 47 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 9 - SERVICE CONNECTION WORK ORDER LIST:

Motion by Mr. Warthling seconded by Mr. O'Donnell and carried to approve Service Connection Work Order No. 2010-43, 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

Motion by Mr. Warthling, seconded by Mr. O'Donnell and carried that the meeting adjourn.

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

slz

11/9/10