

**MINUTES** of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held at Van de Water Treatment Plant, 3750 River Road, Tonawanda, New York on the 2nd day of December, 2010.

**PRESENT:** **Kelly M. Vacco, Chairperson (via telephone conference call)**  
**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**  
**Paul H. Riester, Director of Administration**  
**Daniel J. NeMoyer, Director of Human Resources**  
**Steven V. D'Amico, Budget and Financial Analyst**

**ATTENDEES:** **Joseph Matteliano**  
**Brian Gould**  
**Earl Wells, III**

#### **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 Tuesday, November 9, 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 Tuesday, November 9, 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 \$1,392,917.00 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 1-19 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 3-23)**

**ITEM 3 - INVESTMENT OF FUNDS FROM THE MANUFACTURERS & TRADERS TRUST COMPANY, DEBT SERVICE FUND WATER WORKS SYSTEM REVENUE REFUNDING BONDS, SERIES 1998A - \$7,800.21**

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

**WHEREAS**, Susan Rinaldo, Cash Manager advised under date of November 18, 2010 that there will be available on December 1, 2010 the following amounts in the Debt Service Fund Water Works System Revenue Refunding Bonds, Series 1998A:

Interest Account    \$7,800.21

and has recommended that the Manufacturers & Traders Trust Company, as Fiscal Agent, be authorized to invest from the Interest Account, in the amount of \$7,800.21 to mature in time for the December 15, 2010 Interest Payment at the highest yield to maturity to 1998A Bondholders; and

12/2/10

**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 \$7,800.21 to mature in time for the December 15, 2010 Interest Payment at the highest yield to maturity to 1998A Bondholders, is hereby approved and ratified; 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 1998B - \$89,342.25**

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

**WHEREAS**, Susan Rinaldo, Cash Manager advised under date of November 18, 2010 that there will be available on December 1, 2010 the following amounts in the Debt Service Fund Water Works System Revenue Refunding Bonds, Series 1998B:

Interest Account	\$17,675.58
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 \$17,675.58 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 \$17,675.58 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 ratified; 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 2003F - \$90,780.70**

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

**WHEREAS**, Susan Rinaldo, Cash Manager advised under date of November 18, 2010 that there will be available on December 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 ratified; 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 2007 - \$187,749.06**

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

**WHEREAS,** Susan Rinaldo, Cash Manager advised under date of November 18, 2010 that there will be available on November 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 ratified; 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 2008 - \$490,816.71**

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

**WHEREAS,** Susan Rinaldo, Cash Manager advised under date of November 18, 2010 that there will be available on November 24, 2010 the following amounts in the Debt Service Fund Water Works System Revenue Refunding Bonds, Series 2008:

Interest Account	\$168,316.71
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 \$168,316.71 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 \$168,316.71 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 ratified; 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 - AUTHORIZATION TO EXTEND THE AGREEMENT WITH  
 MANUFACTURERS AND TRADERS TRUST COMPANY TO PROVIDE  
 LOCKBOX SERVICES FOR A TWO YEAR PERIOD**

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

**WHEREAS**, Heretofore and on the 27<sup>th</sup> day of December 2010 the Erie County Water Authority's (Authority) entered into a Professional Services Agreement with Manufacturers & Traders Trust Company (M&T) to provide lockbox services; and

**WHEREAS**, Said agreement will expire on December 31, 2010; and

**WHEREAS**, Paragraph 3 (Time of Performance) of the agreement states that the Authority has the option to renew the agreement for a two-year or three-year period; and

**WHEREAS**, Robert J. Lichtenthal, Jr., Deputy Director advises that it is in the best interest of the Authority to renew the agreement for a two-year period; and

**WHEREAS**, M&T has submitted an agreement extending the services for two years; and

**WHEREAS**, Robert J. Lichtenthal, Jr., Deputy Director and Robert A. Mendez, Executive Director recommend that the Authority extend the agreement for a two year period and entering into the extension agreement submitted by M&T;

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

That the Authority hereby authorizes extending the agreement with M&T for lockbox services for a two year period; and be it further

**RESOLVED:** That the Authority enters into the extension agreement with M&T to provide lockbox services; and be it further

**RESOLVED:** That the Chairperson be and she hereby is authorized to execute said extension 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 M&T.

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

Noes: None

**ITEM 9 - AUTHORIZATION TO ACCEPT THE CONSTRUCTION AND INSTALLATION OF 3,638 LF OF EIGHT-INCH PVC WATERMAIN, 266 LF OF DIP WATERMAIN, 2,062 LF OF TEN-INCH PVC WATERMAIN, 38 LF OF TEN-INCH DIP WATERMAIN, TEN HYDRANTS, 23 VALVES AND TWO DOMESTIC SERVICES IN WATERFORD GREEN CAMPUS AND LANDINGS AND WATERFORD ESTATES PHASE 3, TOWN OF CLARENCE, NEW YORK, PROJECT NO. 200400412 AND EC NO. 5805**

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

**WHEREAS**, The Erie County Water Authority ("Authority"), by resolution dated October 29, 2009, identified as Item No. 9, of the Minutes of that meeting, accepted the proposal of Waterford Village, LLC for the construction and installation of approximately 4,100 lf of 8-inch and 10-inch PVC watermain and approximately 200 lf of 8-inch DIP watermain and eight hydrants in Waterford Green Campus and Landings and 1,458 lf of 8-inch PVC watermain and 124 lf of 8-inch ductile iron watermain and two hydrants in Waterford Estates Phase 3, Town of Clarence, New York identified by Work Authorization No. EC-5805; and

**WHEREAS**, The Bill of Sale dated October 22, 2009 and the Schedule of Inventory dated October 22, 2009 have been approved by Wesley C. Dust, Executive Engineer and Mark J. Fuzak, Counsel and the construction and installation of 3,638 lf of eight-inch PVC watermain, 266 lf of DIP watermain, 2,062 lf of ten-inch PVC watermain, 38 lf of ten-inch dip watermain, ten hydrants 23 valves and two domestic services in Waterford Green Campus and Landings and Waterford Estates Phase 3, Town of Clarence, New York hydrants have been installed in accordance with the specifications of the Authority as certified; and

**WHEREAS**, The Division of Environmental Health of the Health Department of the County of Erie has approved the completed works for public water supply improvement for Waterford Green Campus and Landings and Waterford Estates Phase 3, Town of Clarence, New York; and

**WHEREAS**, Karen A. Prendergast, Comptroller has reviewed the costs of the main and hydrants and finds them reasonable and correct; and

**WHEREAS**, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend approval and acceptance of said main, hydrants and valves;

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

That the Authority accept the construction and installation of 3,638 lf of eight-inch PVC

watermain, 266 lf of DIP watermain, 2,062 lf of ten-inch PVC watermain, 38 lf of ten-inch dip watermain, ten hydrants 23 valves and two domestic services in Waterford Green Campus and Landings and Waterford Estates Phase 3, Town of Clarence, New York, and said main, hydrants and valves be added to the property records of the Authority.

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

Noes: None

**ITEM 10 - AUTHORIZATION TO ACCEPT THE CONSTRUCTION AND INSTALLATION OF 2,853 LF OF EIGHT-INCH PVC PIPE, 190 LF OF EIGHT-INCH D.I. PIPE, SEVEN HYDRANTS, NINE LINE VALVES AND SIX TAPPING SADDLES AND VALVES IN AMBER MEADOWS SUBDIVISION, TOWN OF CLARENCE, NEW YORK, PROJECT NO. 200900232, EC NO. 5948**

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

**WHEREAS**, The Erie County Water Authority ("Authority"), by resolution dated May 11, 2010, identified as Item No. 3, of the Minutes of that meeting, accepted the proposal of Ranch View LLC for the construction and installation of approximately 2,880 lf of eight-inch PVC pipe, 190 lf of eight-inch D.I. pipe and seven hydrants in Amber Meadows Subdivision, Town of Clarence, New York, identified by Work Authorization No. 5948; and

**WHEREAS**, The Bill of Sale dated October 6, 2010 and the Schedule of Inventory dated October 6, 2010 have been approved by Wesley C. Dust, Executive Engineer and Mark J. Fuzak, Counsel and the construction and installation of 2,853 lf of eight-inch PVC pipe, 190 lf of eight-inch D.I. pipe, seven hydrants, nine line valves and six tapping saddles and valves in Amber Meadows Subdivision, Town of Clarence, New York have been installed in accordance with the specifications of the Authority; and

**WHEREAS**, The Division of Environmental Health of the Health Department of the County of Erie has approved the completed works for public water supply improvement for Amber Meadows Subdivision, Town of Clarence, New York; and

**WHEREAS**, Karen A. Prendergast, Comptroller has reviewed the costs of the main and hydrants and finds them reasonable and correct; and

**WHEREAS**, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend approval and acceptance of said main and hydrants;

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

That the Authority accept the construction and installation of 2,853 lf of eight-inch PVC pipe, 190 lf of eight-inch D.I. pipe, seven hydrants, nine line valves and six tapping saddles and

valves in Amber Meadows Subdivision, Town of Clarence, New York, and said main, hydrants and valves be added to the property records of the Authority.

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

**ITEM 11 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE FURNISHING AND DELIVERING OF POTASSIUM PERMANGANATE TO THE ERIE COUNTY WATER AUTHORITY FOR USE IN THE TREATMENT OF WATER FOR TWO YEARS FROM MARCH 1, 2011 THROUGH FEBRUARY 28, 2013, PROJECT NO. 201100008**

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 the furnishing and delivering of potassium permanganate to the Erie County Water Authority for use in the treatment of water for two years from March 1, 2011 through February 28, 2013; and

**WHEREAS**, The work, labor and services for the abovementioned project is estimated to cost an amount in excess of \$10,000.00; and

**WHEREAS**, The Advertisement for Bids for the furnishing and delivering of potassium permanganate to the Erie County Water Authority for use in the treatment of water for two years from March 1, 2011 through February 28, 2013 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**, John Mogavero, Chemist and Chief Water Treatment Plant Operator will be the designated contact person 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 the furnishing and delivering of potassium permanganate to the Erie County Water Authority for use in the treatment of water for two years from March 1, 2011 through February 28, 2013 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 12 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE FURNISHING OF NECESSARY LABOR AND MATERIALS FOR THE PICKUP, HAULING AND DISPOSAL OF ALUM SLUDGE, ZEBRA MUSSELS, TIRES AND OTHER CONSTRUCTION MATERIALS LOCATED AT DIFFERENT PROPERTIES BELONGING TO THE ERIE COUNTY WATER AUTHORITY FROM MARCH 1, 2011 THROUGH FEBRUARY 28, 2013, PROJECT NO. 201100007**

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 the pickup, hauling and disposal of alum sludge, zebra mussels, tires and other construction materials located at different properties belonging to the Erie County Water Authority from March 1, 2011 through February 28, 2013; and

**WHEREAS**, The work, labor and services for the abovementioned project is estimated to cost an amount in excess of \$10,000.00; and

**WHEREAS**, The Advertisement for Bids for the pickup, hauling and disposal of alum sludge, zebra mussels, tires and other construction materials located at different properties belonging to the Erie County Water Authority from March 1, 2011 through February 28, 2013 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 Miklos, Production Technician will be the designated contact person 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 the pickup, hauling and disposal of alum sludge, zebra mussels, tires and other construction materials located at different properties belonging to the Erie County Water Authority from March 1, 2011 through February 28, 2013 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; Comms. Vacco, Warthling, and O'Donnell  
Noes: None

**ITEM 13 - APPROVAL OF CHANGE ORDER NO. 2 OF TO FERGUSON ELECTRIC FOR CONTRACT NO. NC-30, STURGEON POINT WATER TREATMENT PLANT ELECTRICAL SUBSTATION PROJECT, PROJECT NO. 200600113, CONTRACT NO. 08-13-04 - \$119,203.91**

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 Ferguson Electric for Contract No. NC-30, Sturgeon Point Water Treatment Plant Electrical Substation Project, identified as Contract No. 08-13-04; and

**WHEREAS,** Said contractor has submitted Change Order No. 2 in the sum of \$119,203.91 to provide for the following changes:

1. Install structural support system for exhaust mufflers for two 2500 KW standby generators.
2. Install additional access gate and fencing in accordance with National Grid's fence details.
3. Install post glover resistors on two 2500 KW standby generators.
4. Install fiber optic cables for SCADA at Sturgeon Point WTP.
5. Install additional cables for security system at Sturgeon Point WTP.
6. Install additional lightning rods on roof vents.
7. Install photo eye and contactor to control parking lot lights.
8. Install lockout relay 86-BT.
9. Additional work completed as directed by National Grid, including RTU panel, Schweitzer relay modifications, installation of meters, and associated cable and conduit.
10. Time extension; and

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

1. To accommodate muffler/silencer on generators.
2. Modifications required by National Grid.
3. Additional grounding for 2500 KW generators.

4. Added per the request of the Authority.
5. To connect generator building to existing security system at Sturgeon Point WTP.
6. Required to complete lighting protection system for generator building.
7. Added per the request of the Authority.
8. Added per the request of the Authority.
9. Required by National Grid.
10. For delays caused by National Grid; 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 Ferguson Electric in the amount of \$119,203.91 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 14 - APPROVAL OF CHANGE ORDER NO. 2 OF STC CONSTRUCTION, INC. FOR CONTRACT NO. MP-73, STURGEON POINT WATER TREATMENT PLANT COAGULATION BASIN UPGRADES, PROJECT NO. 200700016, CONTRACT NO. 08-01-01 - \$38,182.85**

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 a contract with STC Construction, Inc. for Contract No. MP-73, Sturgeon Point Water Treatment Plant Coagulation Basin Upgrades, identified as Contract No. 08-01-01; and

**WHEREAS**, Said contractor has submitted Change Order No. 2 in the sum of \$38,182.85 to provide for the following changes:

1. Relocation of two existing level sensors/transmitters in Basin Nos. 1 and 3, including re-mounting, conduit and wiring.
2. Removal and replacement of Basin No. 1 existing 8" diameter sludge discharge piping and piping supports.
3. Additional electrical modifications necessary to provide 480V power to the existing ventilation system (i.e. ceiling fans) in Basin No. 1.

4. Additional warning signs and concrete floor coatings, for each of five roll up doors located at the Coagulation building.
5. Removal and replacement of various existing security/entrance doors in kind, including frame and hardware, at the Coagulation building.
6. Owner's purchase of Contractors' remaining three steel storage connexes/boxes.
7. Contract provisions modification to change contract times for Substantial Completion, inclusive of all work related to the rectangular tank electric sludge scraper system – section 00500.
8. Contract provisions modification to change specifications requirements of the rectangular tank electric scrapers (i.e. Section 11335) to rectangular tank hydraulic scrapers (i.e. Section 11336); and

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

1. Instrumentation revisions and improvements necessary as a result of conditions encountered during the course of construction.
2. Mechanical revisions and improvements necessary as a result of conditions encountered during the course of construction.
3. Electrical improvements were necessary to facilitate the operation of the equipment, as a result of conditions encountered during the course of construction.
4. Architectural/Building improvements requested by Owner.
5. Architectural/Building improvements requested by Owner.
6. Purchase of four steel storage connexes/boxes requested by Owner.
7. Schedule impacts to replace the existing rectangular sludge removal system's electric drive system with a hydraulic drive system for each basin.
8. Mechanical, electrical and structural improvements necessary to replace the existing rectangular sludge system's electric drive system with a hydraulic drive system for each basin; and

**WHEREAS,** Malcolm Pirnie, Inc., Consulting Engineer, 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 STC Construction, Inc. in the amount of \$38,182.85 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 15 - 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 65 Gardenvale Drive, Town of Cheektowaga with a new Kennedy K81D on 10/12/10. Work done by ECWA forces under Work Authorization No. 107.200 6031.

Old hydrant originally installed in 1943 was scrapped and retired under Retirement Authorization No. R100098.

Replace existing hydrant at 29 Gardenvale Drive, Town of Cheektowaga with a new Kennedy K81D on 10/12/10. Work done by ECWA forces under Work Authorization No. 107.200 6029.

Old hydrant originally installed in 1942 was scrapped and retired under Retirement Authorization No. R100096.

Replace existing hydrant at 4854 Union Road, Town of Cheektowaga with a new Kennedy K81D on 10/19/10. Work done by ECWA forces under Work Authorization No. 107.200 6036.

Old hydrant originally installed in 1943 was scrapped and retired under Retirement Authorization No. R100103.

Replace existing hydrant at 4410 Overlook Drive, Town of Clarence with a new Kennedy K81D on 10/12/10. Work done by ECWA forces under Work Authorization No. 107.200 6034.

Old hydrant originally installed prior to 1999 was scrapped and retired under Retirement Authorization No. R100101.

Replace existing hydrant at 3335 Ashley Drive, Town of Hamburg with a new Kennedy K81D on 10/18/10. Work done by ECWA forces under Work Authorization No. 107.200 6035.

Old hydrant originally installed in 1957 was scrapped and retired under Retirement Authorization No. R100102.

Replace existing hydrant at 39 Sharon Parkway, City of Lackawanna with a new Kennedy K81D on 10/12/10. Work done by ECWA forces under Work Authorization No. 107.200 6030.

Old hydrant originally installed in 1947 was scrapped and retired under Retirement Authorization No. R100097.

Replace existing hydrant at 22 Oschawa Avenue, Town of West Seneca with a new Kennedy K81D on 9/27/10. Work done by ECWA forces under Work Authorization No. 107.200 6022.

Old hydrant originally installed in 1974 was scrapped and retired under Retirement Authorization No. R100090.

Replace existing valve at 78 Mullen Street, City of Tonawanda with a new resilient seat valve on 9/20/10. Work done by ECWA forces under Work Authorization No. 107.200 6020.

Old valve originally installed prior to 2004 was scrapped and retired under Retirement Authorization No. R100088.

Replace existing valve at Gates Avenue corner of Ridge Road, City of Lackawanna with a new resilient seat valve on 10/7/10. Work done by ECWA forces under Work Authorization No. 107.200 6026.

Old valve originally installed in 1905 was scrapped and retired under Retirement Authorization No. R100093.

Installed valve at 9760 County Road, Town of Clarence with a new resilient seat valve on 9/30/10. Work done by ECWA forces under Work Authorization No. 107.200 6024; 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 16 - AUTHORIZATION TO GRANT LEAK ALLOWANCE REQUESTS -  
\$5,620.78**

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) Liberty Square Apartments<br/>4291 Chestnut Ridge Road<br/>Amherst, NY 14228<br/>\$3,587.88</p> | <p>2) Holiday Showcase<br/>3765 Union Road<br/>Cheektowaga, NY 14225<br/>\$2,032.90; 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; Comms. Vacco, Warthling, and O'Donnell  
Noes: None

**ITEM 17 - AUTHORIZATION TO ADOPT THE 2011 OPERATING AND  
MAINTENANCE BUDGET**

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

**WHEREAS**, The Annual Operating and Maintenance Budget for the fiscal year 2011 has been presented and fully reviewed by Wesley C. Dust, Executive Engineer, Robert J. Lichtenthal, Jr., Deputy Director, Matthew J. Baudo, Secretary to the Authority, Steven V. D'Amico, Budget and Financial Analyst and Robert A. Mendez, Executive Director, who recommend its adoption;

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

That the Annual Operating and Maintenance Budget for the fiscal year 2011 be adopted as presented; and be it further

**RESOLVED:** That said Annual Operating and Maintenance Budget and a certified copy of this resolution be filed with (a) Manufacturers and Traders Trust Company as Fiscal Agent for the 1990 A&B Bond Series, issued under the Water Works System Revenue Bond Resolution and the 1998A&B, 2007 and 2008 Bonds, issued under the Fourth General Water Revenue Bond Resolution and (b) the New York State Environmental Facilities Corporation for the Series 1998A&B Bonds and Series 2003F Bonds pursuant to the Project Financing Loan Agreements; and be it further

**RESOLVED:** That the Comptroller is authorized to advance monies for the Extension and Improvement Fund for the Capital Program.

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

**ITEM 18 - AUTHORIZATION TO ADOPT THE 2011 ANNUAL CAPITAL BUDGET**

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

**WHEREAS**, The Annual Capital Budget for the fiscal year 2011 has been presented and fully reviewed by Wesley C. Dust, Executive Engineer, Robert J. Lichtenthal, Jr., Deputy Director, Matthew J. Baudo, Secretary to the Authority, Steven V. D'Amico, Budget and Financial Analyst and Robert A. Mendez, Executive Director, who recommend its adoption;

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

That the Annual Capital Budget for the fiscal year 2011 be adopted as presented; and be it further

**RESOLVED:** That said Annual Capital Budget and a certified copy of this resolution be filed with (a) Manufacturers and Traders Trust Company as Fiscal Agent for the 1990 A&B Bond Series, issued under the Water Works System Revenue Bond Resolution and the 1998A&B, 2007 and 2008 Bonds, issued under the Fourth General Water Revenue Bond Resolution and (b) the New York State

Environmental Facilities Corporation for the Series 1998A&B Bonds and Series 2003F Bonds pursuant to the Project Financing Loan Agreements; and be it further

**RESOLVED:** That the Comptroller is authorized to advance monies for the Extension and Improvement Fund for the Capital Budget described in said Annual Capital Budget in contemplation of replenishment of the fund through subsequent sale of bonds or other permissible funding instruments as required.

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

**ITEM 19 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER  
AUTHORITY'S TARIFF**

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

**WHEREAS,** The Act creating the Erie County Water Authority (Authority) and the General Bond Resolutions establishing issuance of all Authority bonds mandate: that the Authority maintain rates and fees sufficient to operate and maintain the waterworks system; to pay the principal and interest on its Revenue Bonds as they become due and payable; and to maintain reserves for capital improvements as well as for all obligations and indebtedness of the Authority; and

**WHEREAS,** The Authority's Senior Staff has the responsibility to review, analyze and make recommendations relative to charges and procedures contained in the Authority's Tariff; and

**WHEREAS,** Various department heads have conducted this review and have recommended amendments to the Authority's Tariff; and

**WHEREAS,** Robert J. Lichtenthal, Jr., Deputy Director, Steven V. D'Amico, Budget and Financial Analyst, Wesley C. Dust, Executive Engineer and Robert A. Mendez, Executive Director have reviewed the above recommendations and changes and concur with them; and

**WHEREAS,** Mark J. Fuzak, Attorney has also reviewed all these recommendations and changes and concurs with them; and

**WHEREAS,** After considering all the above recommendations, the Authority has determined that for the best interest of the public to maintain its quality water supply that the Tariff should be amended as set forth in the attached Schedule "A";

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

That the Authority's Tariff, as previously amended, is hereby revised and amended in accordance with Schedule "A" attached hereto and made part hereof, to become effective at 12:01 a.m. January 1, 2011; and be it further

**RESOLVED:** That the Secretary to the Authority or in his absence the Assistant Secretary is hereby authorized and directed to file in the office of the Clerk of the County of Erie a duly certified copy of this resolution along with a copy of the revised pages to the Tariff and to publish a copy of these amendments authorizing the abovementioned changes in two newspapers having a general circulation in the County pursuant to Section 1054, Subdivision 10, of the Public Authorities Law; and be it further

**RESOLVED:** That the Secretary or in his absence the Assistant Secretary, is further directed to forward a copy of this resolution along with a copy of the revised pages of the Tariff to the Town, Village or City Clerks of each of the towns, villages or cities receiving water from the Authority and that the Secretary or in his absence the Assistant Secretary is further directed to furnish a duly certified copy of this resolution along with a copy of the revised pages of the Tariff to all Fiscal Agents named in the Authority's Bond Resolutions.

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

Noes: None

**SCHEDULE "A"**  
**AMENDMENTS TO THE ERIE COUNTY WATER AUTHORITY'S TARIFF**  
**TO BECOME EFFECTIVE AT 12:01 A.M. JANUARY 1, 2011**

**UNDERLINED PORTIONS INDICATE NEW MATERIAL**  
**PORTIONS IN BRACKETS [ ] INDICATE DELETIONS**

**13.00 CLASSIFICATION RATES**  
**AND CHARGES**

**SERVICE CLASSIFICATION NO. 1**

**13.01** The following classification of services rendered, facilities furnished hereunder and rates and charges therefore are hereby established.

Infrastructure Investment Charge:

The following Infrastructure Investment Charge rate and rules are hereby established effective January 1, 2011:

1. In the case of meters read and billed quarterly, an Infrastructure Investment Charge rate of three dollars (\$3.00) per quarter shall be applied.
2. In the case of meters read and billed monthly, an Infrastructure Investment Charge

rate of one dollar (\$1.00) per month shall be applied.

**MINIMUM CHARGE:**

The quarterly minimum charge is payable in advance or arrears at the discretion of the Authority.

**SERVICE CLASSIFICATION NO. 1-A**

**13.02 WATER SERVICE CONNECTION FEES**

**APPLICABILITY:**

All water service connections for general metered purposes under Service Classification No. 1, except those to lots whose water service connections were not installed by the Authority.

**RATE:**

<u>SIZE OF CONNECTION</u>	<u>CONNECTION CHARGE</u>
Equal to or less than 1 inch	\$[1,800.00] <u>2,000.00</u>
Greater than 1 inch but not over 2 inches	2,400.00
Over 2 inches	AT COST

**ITEM 20 - AUTHORIZATION TO AMEND POLICY NO. 89.0 (INTERNET, ELECTRONIC COMMERCE AND E-MAIL POLICY) TO THE ERIE COUNTY WATER AUTHORITY'S HUMAN RESOURCES POLICIES/PROCEDURES MANUAL**

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

**WHEREAS**, Heretofore and on the 18th day of May, 1995, by Resolution Item No. 25, the Erie County Water Authority ("Authority") adopted a Human Resources Policies/ Procedures Manual; and

**WHEREAS**, Heretofore and on the 27th day of December, 2005 the Authority adopted a revised Human Resources Policies/Procedures Manual; and

**WHEREAS**, Matthew J. Baudo, Secretary to the Authority advises that it is in the best interest of the Authority to amend Policy No. 89.0 (Internet, Electronic Commerce and E-Mail

Policy) including incorporating Policy 90.0 (Mobile Phone Policy) into said Policy to read as follows on the attached Schedule "A"; and

**WHEREAS**, Matthew J. Baudo, Secretary to the Authority recommends amending Policy No. 89.0 (Internet, Electronic Commerce and E-Mail Policy) of the Authority's Human Resources Policies/Procedures Manual and rescinding Policy 90.0 (Mobile Phone Policy); and

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

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

That the Authority amend Policy No. 89.0 (Internet, Electronic Commerce and E-Mail Policy) of the Authority's Human Resources Policies/Procedures Manual as noted on the attached Schedule "A"; and be it further

**RESOLVED:** That the Authority rescind Policy No. 90.0 (Mobile Phone Policy) of the Authority's Human Resources Policies/Procedures Manual.

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

## SCHEDULE "A"

**ERIE COUNTY WATER AUTHORITY**  
**HR Policies/Procedures**

<b>Re:</b>	<b>INTERNET, ELECTRONIC COMMERCE, E-MAIL AND WIRELESS COMMUNICATION DEVICE POLICY</b>	<b>Policy No.:</b>	<b>89.0</b>
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<b>Application: All Employees</b>	<b>Adopted: 04/29/99</b>
	<b>Amended: 12/04/03</b>

**ERIE COUNTY WATER AUTHORITY**  
**INTERNET, ELECTRONIC COMMERCE, E-MAIL AND WIRELESS**  
**COMMUNICATION DEVICE POLICY**

**Introduction:**

The Erie County Water Authority provides Internet access for business transactions, electronic business data transfer, electronic commerce, electronic mail, web transaction account services and procurement.

Internet usage, electronic commerce and e-mail refers to the electronic transfer of information typically in the form of electronic messages, memoranda and attached documents from a sending party to one or more receiving parties. The term e-mail can refer to an electronic mail *service* or an electronic mail *message*. Well-designed and properly managed electronic data transmission systems expedite business communications, reduce paperwork and automate routine office tasks thereby increasing productivity and reducing costs. These opportunities are, however, at risk if electronic data systems are not used and managed effectively.

This Policy advises staff and management of their responsibilities and provides guidance in using and managing information communicated by e-mail, electronic commerce or electronic data transfer.

Internet and e-mail access is a service provided by the Authority that enables participating departments, units and individual employees to send and receive messages and utilize related utilities in the performance of their job duties. It is for Authority business use only and is to be used with discretion. To request e-mail services over the Internet a Data Processing Service Request Form must be approved by your Department Head and submitted to the Manager of Data Processing.

**I. Guidelines For Use of Authority's E-Mail System:**

12/2/10

E-mail (electronic mail) is used in the normal course of Erie County Water Authority business for general business communication as well as sharing of files. While immediate and sometimes informal, electronic mail may, under certain circumstances, serve as a record of a decision or other official action. It is important to recognize that an e-mail message, created or received by Authority personnel in connection with official business is a record that is subject to access, privacy and records management laws and regulations.

E-mail should be used for business purposes only and should not be of a confidential or personal nature. E-mail messages sent or received in conjunction with official business may be accessed and monitored in the normal course of business by system administrators, supervisors, and support staff; may be releasable to the public under the Freedom of Information Law (FOIL), may require special measures for privacy protection to comply with the Personal Privacy Protection Law (PPPL) and may be subject to discovery proceedings in legal actions.

E-mail is the property of the Erie County Water Authority. E-mail is an electronic replacement for paper memoranda and as such is similar in purpose, use and security. E-mail messages are not personal and private. However, technical staff will not routinely monitor e-mail and will take reasonable safeguards to protect the privacy of e-mail on its internal networks. No one can guarantee the privacy or security of an e-mail message sent or received via the Internet.

Generally stated, e-mail will be afforded the same considerations as paper mail. However, the Manager of Data Processing and/or the Secretary to the Authority may, with Department Head approval, access accounts where it is deemed appropriate, such as when an employee is absent for an extended period of time and their e-mail is critical to Authority operations.

Employees are responsible for monitoring their own address and related e-mail. If an extended absence or similar situation occurs, it is the responsibility of each employee to temporarily redirect e-mail messages or allow a third person to receive that individual's e-mail.

**Basic Format:**

Employees sending e-mail will include their name and title at the end of the message. If the message concerns a project, the project number (or equivalent) shall be included on the subject line. For messages that transmit a draft attachment, the message shall reference the document's project number (or equivalent) and the word draft in the subject field.

**Records Management:**

E-mail messages and electronic data transfers are records when they are created or received by the Authority in the normal course of official business and should be preserved, or are appropriate for preservation, as evidence of the organization's actions, official policies, decisions, procedures, transactions, functions, operations or other activities of the Authority or because of the informational content. E-mail meeting this criteria is subject to records management requirements under the State

## Arts and Cultural Affairs Law.

Examples of messages sent by e-mail that typically are records include:

- ! policies and directives
- ! correspondence or memoranda related to official business
- ! work schedules and assignments
- ! agendas and minutes of meetings
- ! drafts of documents that are circulated for comment or approval
- ! any document that initiates, authorizes, or completes a business transaction
- ! all purchasing and procurement communications
- ! final reports or recommendations.

Examples of messages that typically do not constitute records are:

- ! personal messages and announcements
- ! copies of extracts of documents distributed for convenience or reference
- ! phone message slips
- ! announcements of social events.

E-mail is a transient record. Messages which are used to support business purposes should, therefore, be stored in one or more of the following ways:

- 1) Moved to a designated, named electronic folder (i.e. AI@ Drive, main folder (\$proj), sub-folder (ECWA), sub-folder (P199900032))
- 2) Saved as a file and placed in an appropriate directory
- 3) Printed and then given to Records Management personnel for filing in the proper folder.

Records needed to support program functions should be retained, managed, and accessible in existing filing systems outside the e-mail system. System capacity requires periodic deletion of old messages and user queued items. Users are encouraged to delete messages and queued items daily. This includes messages stored in the Ain basket@, the Aout basket@ and Awastebasket@. Before deleting any e-mail message, however, determine whether it meets the legal definition of a record. If the e-mail message is a record, print it or transfer it to other files before deleting from the computer. Be certain the printed message contains time essential transmission and any requested receipt data. If not, print the data or annotate the printed copy. File the printed message and essential transmission and receipt data with related files of the office.

Records communicated using e-mail need to be identified, managed, protected and retained as long as they are needed to meet operational, legal, audit, research or other requirements. Disposition of these records will be in accordance with the Authority's Records Retention

Schedules. Records may not be destroyed without a Records Disposition Authorization approved by the State Archives and Records Administration.

The system administrator will purge from the Apost office@ e-mail messages stored on the AS/400 on a weekly basis.

**Security:**

The Authority reserves the right to monitor the system for maintenance, repair, help functions, troubleshooting and suspected abuses of e-mail privileges. While the communications are protected by passwords, they are not secure and, in appropriate circumstances, there may be administrative access to these records. Keep this in mind when choosing topics for e-mail communications.

All access to employee=s e-mail will be denied upon termination of his/her employment and the e-mail account will be canceled. The systems administrator will oversee the distribution of existing e-mail in a closed account to appropriate electronic or paper folders.

Users must take all reasonable precautions, including changing passwords, to prevent use of your account by unauthorized individuals. Passwords, and the ability to frequently change passwords, can facilitate e-mail security. Unchanged passwords will expire after 60 days and must be re-entered. Forgotten passwords can be reset to a new temporary password by calling the Help Desk at Ext. 8211(685-8211).

Administrative access to an employee=s individual computer will be controlled by the Security Officer. The Authority will require that all Authority personal computers be protected with passwords that prevent their use by unauthorized users.

**Personal Use:**

Rules for personal use of e-mail or other electronic communications are the same as for personal use of the telephone. Only incidental personal communications by fax or mail to family or friends sent on personal time (break, lunch, etc.) are acceptable.

**Prohibited Uses of E-Mail:**

The following uses of Authority computer facilities are prohibited:

- ! access to or use of obscene or harassing graphics, documents or web sites
- ! documents or e-mail relating to personnel, time and attendance or union business
- ! personal business (a profession, banking, purchasing, stock market transactions, etc.)
- ! consumption of Authority resources (e.g. long-distance charges or extended local phone connections)
- ! personal charges to the Authority through the use of Authority e-mail capabilities

- ! unauthorized access to e-mail accounts
- ! use for private or personal business, other than incidental use
- ! unauthorized or unnecessary connections to outside networks
- ! illegal, disruptive, unethical or unprofessional activities, or for personal gain, or for any purpose that would jeopardize the legitimate interest of the Authority.

## **II. Guidelines For Use of Authority=s Access to the Internet:**

This policy sets forth guidelines about the personal use of the Erie County Water Authority=s (The Authority) access to the Internet. Currently, access to the Internet is provided to employees when there is a necessity and the access has been specifically approved.

The Authority has provided access to the Internet for authorized users to support the business purposes of the Authority. No use of the Internet should conflict with the primary business purpose of the Authority or with applicable laws and regulations. As a condition of continued employment, each user is personally responsible to ensure that these guidelines are followed.

The Authority may monitor usage of the Internet by employees, including reviewing a list of sites accessed by an individual. No individual should have any expectation of privacy in terms of his or her usage of the Internet. In addition, the Authority may restrict access to certain sites that it deems are not necessary for business purposes.

Employees are prohibited from encrypting files on their computers or taking any steps that block access to files, other than the use of The Authority=s passwords, or approved encryption programs. Employees must not change their logon codes. Employees may never change the default settings in the devices “internet options” (i.e. how long history and temporary files are stored, internets security settings, etc...). The deletion of the devices history, temporary files or internet downloads is also prohibited.

The Internet provides access to many sites that charge a subscription or usage fee to access and use the information on the site. If costs are appropriately incurred on behalf of the Authority, the user may submit the charges for reimbursement on expense reports, subject to customary review. All items that are charged to the Authority are subject to the same approval process as other business-related expenses. Requests for approval should be submitted accordingly.

The Authority's connection to the Internet may not be used for any of the following activities:

1. The Internet must not be used to access, create, transmit, print or download material that is derogatory, defamatory, obscene, or offensive, such as slurs, epithets, or anything that may be construed as harassment or disparagement based on race, color, national origin, sex, sexual orientation, age, disability, or religious or political beliefs.

2. The Internet must not be used to access, send, receive, or solicit sexually oriented messages or images.
3. Downloading or disseminating of copyrighted material that is available on the Internet is an infringement of copyright law. Permission to copy the material must be obtained from the publisher. For assistance with copyrighted material, contact the Data Processing Department.
4. The downloading or posting of any copyrighted material from any source to the Authority's network is an infringement of copyright law. Permission to copy the material must be obtained from the publisher.
5. Without prior approval of the Data Processing Department, software should not be downloaded from the Internet as the download could introduce a computer virus onto the Authority's network. In addition, copyright laws may cover the software so the downloading could be an infringement of copyright law.
6. Employees should safeguard against using the Internet to transmit personal comments or statements through e-mail or to post information to newsgroups or Usenet that may be mistaken as the position of the Authority.
7. Employees shall guard against the disclosure of confidential information through the use of Internet e-mail, news groups or Usenet.
8. The Internet shall not be used to send or participate in chat rooms, chain letters, pyramid schemes or other illegal schemes.
9. The Internet should not be used to solicit or proselytize others for commercial purposes, causes, outside organizations, chain messages or other non-job-related purposes.

### **III. Wireless Communication Device Usage:**

It is the Policy of the Authority to provide Wireless Communication Devices to those individuals who are required to respond in the business operation of their normal assignment.

A Wireless Communication Device is defined as a cellular telephone, smart phone web enabled handset, or a laptop computer.

It is the Policy of the Authority that these devices are to be used for business purposes only and that any personal calls are minimal. A charge of \$.20 per minute are to be reimbursed to the Erie County Water Authority for any such usage. Downloads of content or applications must be for business purposes only and should have prior approval by the Department Head and Director of

Administration. In the case of downloads of content or applications to laptop computers, prior approval by the Department Head and the Secretary to the Authority is required. Unauthorized downloads of content and applications are prohibited.

It is the policy that any and all laws restricting the use of such devices while driving a motorized vehicle be enforced. The Authority prohibits driving and using such devices without the usage of a proper hands-free adapter.

**Procedures:**

The Director of Administration shall administer the distribution and control of the wireless communication devices at the request of a Department Head or higher in the Authority except for laptop computers. The distribution and control of laptop computers shall be administered by the Secretary to the Authority. Wireless communication device usage invoices will be made available to the Department Head and then to the user for review.

The Comptroller, on behalf of the Authority, shall receive all personal use funds.

**IV. ECWA On-Line Request For Change:**

The Erie County Water Authority On-Line Request for Change form should be used to post and update new data on our web site. All requests must be accurate and forthright and require proper levels of approval before they are sent to our web site developer for posting. All requests will be filed in Central Files at Ellicott Square.

**ITEM 21 - 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 20-27 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 22 - 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 28-29 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 23 - SERVICE CONNECTION WORK ORDER LIST:**

Motion by Mr. Warthling seconded by Mr. O'Donnell and carried to approve Service Connection Work Order Nos. 2010-44, 2010-45, 2010-46 and 2010-47, 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.

Matthew J. Baudo  
Secretary to the Authority/Personnel Director

SLZ