

**MINUTES** of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 30th day of December, 2010.

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

**ATTENDEES:** Danielle Elliott

**CALL TO ORDER**

**PLEDGE TO THE FLAG**

**I. - ROLL CALL**

**II. - READING OF MINUTES**

Motion by Mr. Warthling seconded by Mr. O'Donnell and carried to waive the reading of the Minutes of the Meeting held on Thursday, December 16, 2010.

**III. - APPROVAL OF MINUTES**

Motion by Mr. Warthling seconded by Mr. O'Donnell and carried to approve the Minutes of the Meeting held on Thursday, December 16, 2010.

**IV. - REPORTS (See "Report" Minutes for Details)**

- A) SECRETARY/PERSONNEL**
- B) LEGAL**
- C) FISCAL**
- D) OPERATIONS**
- E) HUMAN RESOURCES**

**F) AUDIT COMMITTEE  
G) GOVERNANCE COMMITTEE**

**V. - COMMUNICATIONS AND BILLS**

**ITEM 1 - CREATION OF MASTER PURCHASE ORDERS:**

Motion by Mr. Warthling seconded by Mr. O'Donnell and carried to approve the creation of Master Purchase Order Nos. as listed on the attached page 1-3 not to exceed the amount of \$7,701,440.95 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 1-12 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 - FINAL ACCEPTANCE OF PROJECT WITH VISONE CONSTRUCTION, INC. FOR CONTRACT NO. WSA-7, WATER SYSTEM IMPROVEMENTS IN THE TOWN OF AMHERST, NEW YORK, PROJECT NO. 200800077, CONTRACT NO. 10-10-04 - \$157,822.96**

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

**WHEREAS**, Heretofore and on the 9th day of March, 2010, the Erie County Water Authority ("Authority") entered into a contract with Visone Construction, Inc. for Contract No. WSA-7, water system improvements in the Town of Amherst, New York, identified as Contract No. 10-10-04; and

**WHEREAS**, Wm. Schutt Associates, Consulting Engineers has submitted a final invoice dated December 13, 2010 in the amount of \$157,822.96; and

**WHEREAS**, Wm. Schutt Associates, Consulting Engineers, Wesley C. Dust, P.E., Executive Engineer, and Robert A. Mendez, Executive Director, recommend acceptance of said project;

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

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

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

Noes: None

**ITEM 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 December 17, 2010 that there will be available on December 21, 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 December 17, 2010 that there will be available on December 21, 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 \$18,515.35 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 Interest Account, in the amount of \$18,515.35 to mature in time for the July 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 \$18,515.35 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 Interest Account, in the amount of \$18,515.35 to mature in time for the July 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 - \$187,357.39**

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

**WHEREAS,** Susan Rinaldo, Cash Manager advised under date of December 17, 2010 that there will be available on December 21, 2010 the following amounts in the Debt Service Fund Water Works System Revenue Refunding Bonds, Series 2007:

Interest Account	\$130,274.06
Principal Account	\$ 57,083.33

and has recommended that the Manufacturers & Traders Trust Company, as Fiscal Agent, be authorized to invest from the Interest Account, in the amount of \$130,274.06 to mature in time for the June 1, 2011 Interest Payment at the highest yield to maturity to 2007 Bondholders and invest from the Principal Account in the amount of \$57,083.33 to mature in time for the December 1, 2011 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 \$130,274.06 to mature in time for the June 1, 2011 Interest Payment at the highest yield to maturity to 2007 Bondholders and invest from the Principal Account in the amount of \$57,083.33 to mature in time for the December 1, 2011 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 - \$490,833.34**

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

**WHEREAS,** Susan Rinaldo, Cash Manager advised under date of December 17, 2010 that there will be available on December 21, 2010 the following amounts in the Debt Service Fund Water Works System Revenue Refunding Bonds, Series 2008:

Interest Account    \$155,416.67  
Principal Account   \$335,416.67

and has recommended that the Manufacturers & Traders Trust Company, as Fiscal Agent, be authorized to invest from the Interest Account, in the amount of \$155,416.67 to mature in time for the June 1, 2011 Interest Payment at the highest yield to maturity to 2008 Bondholders and invest from the Principal Account in the amount of \$335,416.67 to mature in time for the December 1, 2011 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 \$155,416.67 to mature in time for the June 1, 2011 Interest Payment at the highest yield to maturity to 2008 Bondholders and invest from the Principal Account in the amount of \$335,416.67 to mature in time for the December 1, 2011 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 ADVERTISE FOR BIDS FOR CONTRACT NO. NC-33B, INSTALLATION OF STANDBY POWER AT VARIOUS PUMP STATIONS, PROJECT NO. 201000106**

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

**WHEREAS**, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend that the Erie County Water Authority ("Authority") publish a notice inviting sealed bids or proposals pursuant to Section 1069 of the Public Authorities Law for Contract No. NC-33B, installation of standby power at various pump stations; and

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

**WHEREAS**, The Advertisement for Bids for Contract No. NC-33B, installation of standby power at various pump stations will be conducted pursuant to the newly enacted legislation, New York State Finance Law ' ' 139-j and 139-k and the Authority=s Purchasing Guidelines, Policies and Procedures; and

**WHEREAS**, Nussbaumer & Clarke, Inc. will be the designated contact for the project with the adoption of this resolution;

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

That the plans and specifications and form of bid be prepared for Contract No. NC-33B, installation of standby power at various pump stations and upon completion be made available for inspection by bidders in the office of the Authority; and be it further

**RESOLVED:** That the Secretary be and he hereby is authorized and directed to publish a notice inviting sealed bids or proposals pursuant to Section 1069 of the Public Authorities Law for the abovementioned project.

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

**ITEM 9 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR CONTRACT NO. DA-007, WATER SYSTEM IMPROVEMENTS AT LEDYARD PUMP STATION, PROJECT NO. 201000116**

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

**WHEREAS,** Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend that the Erie County Water Authority ("Authority") publish a notice inviting sealed bids or proposals pursuant to Section 1069 of the Public Authorities Law for Contract No. DA-007, water system improvements at Ledyard Pump Station; and

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

**WHEREAS,** The Advertisement for Bids for Contract No. DA-007, water system improvements at Ledyard Pump Station will be conducted pursuant to the newly enacted legislation, New York State Finance Law ' ' 139-j and 139-k and the Authority=s Purchasing Guidelines, Policies and Procedures; and

**WHEREAS,** DiDonato Associates will be the designated contact for the project with the adoption of this resolution;

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

That the plans and specifications and form of bid be prepared for Contract No. DA-007, water system improvements at Ledyard Pump Station and upon completion be made available for inspection by bidders in the office of the Authority; and be it further



**RESOLVED:** That the Secretary be and he hereby is authorized and directed to publish a notice inviting sealed bids or proposals pursuant to Section 1069 of the Public Authorities Law for the abovementioned project.

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

**ITEM 10 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR CONTRACT NO. W-21A, STORAGE TANK REFURBISHING, PROJECT NO. 201000107**

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

**WHEREAS,** Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend that the Erie County Water Authority ("Authority") publish a notice inviting sealed bids or proposals pursuant to Section 1069 of the Public Authorities Law for Contract No. W-21A, storage tank refurbishing; and

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

**WHEREAS,** The Advertisement for Bids for Contract No. W-21A, storage tank refurbishing 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,** Wendel Duchscherer Architects & Engineers will be the designated contact for the project with the adoption of this resolution;

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

That the plans and specifications and form of bid be prepared for Contract No. W-21A, storage tank refurbishing 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 11 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR CONTRACT NO. WE-004, WATER SYSTEM IMPROVEMENTS, FRANKLIN STREET, CITY OF TONAWANDA, PROJECT NO. 201000117**

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

**WHEREAS**, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend that the Erie County Water Authority ("Authority") publish a notice inviting sealed bids or proposals pursuant to Section 1069 of the Public Authorities Law for Contract No. WE-004, water system improvements, Franklin Street, City of Tonawanda; and

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

**WHEREAS**, The Advertisement for Bids for Contract No. WE-004, water system improvements, Franklin Street, City of Tonawanda 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**, Watts Architecture & Engineering P.C. will be the designated contact for the project with the adoption of this resolution;

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

That the plans and specifications and form of bid be prepared for Contract No. WE-004, water system improvements, Franklin Street, City of Tonawanda 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 12 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE FURNISHING AND DELIVERING OF EIGHT (8) NEW AND UNUSED VEHICLES – NOS. 11, 35, 41, 63, 65, 85, 88 AND 99, PROJECT NO. 201100011**

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 eight new and unused vehicles – nos. 11, 35, 41, 63, 65, 85, 88 and 99; 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 eight new and unused vehicles – nos. 11, 35, 41, 63, 65, 85, 88 and 99 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**, Robert Guggemos, Distribution Engineer 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 eight new and unused vehicles – nos. 11, 35, 41, 63, 65, 85, 88 and 99 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 13 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR CONTRACT NO. CH-005, WATER SYSTEM IMPROVEMENTS, TOWN OF CHEEKTOWAGA, PROJECT NO. 201000115**

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

**WHEREAS**, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend that the Erie County Water Authority ("Authority") publish a notice inviting sealed bids or proposals pursuant to Section 1069 of the Public Authorities Law for Contract No. CH-005, water system improvements, Town of Cheektowaga; and

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

**WHEREAS**, The Advertisement for Bids for Contract No. CH-005, water system improvements, Town of Cheektowaga 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**, Clough Harbour & Associates LP will be the designated contact for the project with the adoption of this resolution;

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

That the plans and specifications and form of bid be prepared for Contract No. CH-005, water system improvements, Town of Cheektowaga 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 14 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR CONTRACT NO. OBG-10, JEROME D. VAN DE WATER RAW WATER PUMPING STATION, PROJECT NO. 201000104**

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

**WHEREAS**, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend that the Erie County Water Authority ("Authority") publish a notice inviting sealed bids or proposals pursuant to Section 1069 of the Public Authorities Law for Contract No. OBG-10, Jerome D. Van de Water Raw Water Pumping Station; and

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

**WHEREAS**, The Advertisement for Bids for Contract No. OBG-10, Jerome D. Van de Water Raw Water Pumping Station will be conducted pursuant to the newly enacted legislation, New York State Finance Law ' ' 139-j and 139-k and the Authority=s Purchasing Guidelines, Policies and Procedures; and

**WHEREAS**, O'Brien & Gere Engineers, Inc. will be the designated contact for the project with the adoption of this resolution;

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

That the plans and specifications and form of bid be prepared for Contract No. OBG-10, Jerome D. Van de Water Raw Water Pumping Station and upon completion be made available for inspection by bidders in the office of the Authority; and be it further

**RESOLVED:** That the Secretary be and he hereby is authorized and directed to publish a notice inviting sealed bids or proposals pursuant to Section 1069 of the Public Authorities Law for the abovementioned project.

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

Noes: None

**ITEM 15 - APPROVAL OF CHANGE ORDER NO. 3 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 - \$53,161.90**

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. 3 in the sum of \$53,161.90 to provide for the following changes:

1. Addition of work for installation of a 16" butterfly valve and appurtenances at 1<sup>st</sup> Street at Woodlawn Avenue in the Town of Hamburg;
2. Addition of work for additional maintenance and protection of traffic for abandonment no. 3 on Seymour Street in the City of Tonawanda;
3. Addition of work for supplying a 16" butterfly valve at Site CHTN-1 in Indian Road;
4. Addition of work for supplying additional fittings for Interconnection No. 12 at Site CHTN-2 on Indian Road;
5. Addition of Unit Price Item Quantity increase of 450 CY of Item 6A – Select Backfill;
6. Addition of Unit Price Item Quantity increase of 9 EA of Item 8B1 – ¾" – 1" Service Replacement/Relocation – Far Side; and
7. Addition of Unit Price Item Quantity increase of 275 SY of Item 11B5 – Asphalt Pavement Base Course Restoration; and

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

1. It was advantageous for the Authority to have the Contractor perform the extra work to replace a malfunctioning valve;
2. The extra work was necessitated to comply with NYSDOT requirements that were not anticipated at the time of design;

3. The additional work was ordered by the Authority;
4. The work was modified to accommodate existing conditions which were different than what was shown on the Drawings;
5. The Unit Price quantity was modified to reflect the actual quantity used for Select Backfill;
6. The Unit Price quantity was modified to reflect the actual quantity used for Far Side Service Replacements; and
7. The Unit Price quantity was modified to reflect the actual quantity used for Asphalt Base Course; 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. 3;

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

That Change Order No. 3 of C.M.H. Company, Inc. in the amount of \$53,161.90 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. 3 on behalf of the Authority.

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

**ITEM 16 - APPROVAL OF CHANGE ORDER NO. 1 OF SICAR MANAGEMENT & CONSTRUCTION, INC. FOR CONTRACT NO. T-022, WATER SYSTEM IMPROVEMENTS IN THE TOWN OF WEST SENECA, PROJECT NO. 200800093, CONTRACT NO. 10-09-04 - \$180,615.11**

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 Sicar Management & Construction, Inc. for Contract No. T-022, water system improvements in the Town of West Seneca, identified as Contract No. 10-09-04; and

**WHEREAS**, Said contractor has submitted Change Order No. 1 in the sum of \$180,615.11 to provide for the following changes:

1. Revision to Abandonment No. 1 which includes the removal of an existing meter pit and relocation of an existing fire hydrant;
2. Modifications to the bore under the Norfolk Southern Railroad;
3. Additional work associated with Interconnection No. 8;
4. The Contractor performed an interconnection to a 4-inch fire service at 789 Indian Church Road;
5. The Contractor installed a 12-inch gate valve at Abandonment No. 3;
6. The Contractor installed a 1.5-inch near side service at 667 Indian Church Road;
7. The Contractor installed asphalt top course at various side streets per Town of West Seneca requirements;
8. Additional work at Interconnection No. 14 at Deer Chase Road;
9. Additional work at Interconnection No. 16 at Cresthaven Road;
10. Additional work at Kiantone Oil Pipeline crossing;
11. Additional asphalt work; and
12. No cost extension in the contract time; and

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

1. The change was made at the request of ECWA;
2. The change was made to resolve conflicts with existing utilities whose locations differed from what was shown on the contract drawings;
3. The interconnection was revised to resolve conflicts with existing utilities;
4. The work was not shown on the original drawings;
5. No unit price item was included in the contract documents for installation of a 12-inch gate valve;
6. No unit price item was included in the contract documents for installation of a 1.5-inch near side service;
7. The Contract Documents did not include an item for asphalt top course;
8. The existing pipe was not as shown and required additional work to make the connection;
9. Field conditions differed from those represented on record documents which required additional efforts;
10. Additional work was performed, as required by Kiantone Oil Pipe, in order to ensure that no damage would happen to their facility during Interconnection No. 8;
11. The Contractor performed additional sawcutting and installation of temporary asphalt between Sta. 49+49 and Sta. 53+28 due to the relocation of the proposed watermain alignment into the roadway; and
12. No cost extension in the contract time due to the additional work at the railroad bore and Interconnection No. 8; and



**WHEREAS**, TVGA Consultants, Consulting Engineers, 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 Sicar Management & Construction, Inc. in the amount of \$180,615.11 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. 1 on behalf of the Authority.

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

Noes: None

**ITEM 17 - SALARY INCREMENTS - JANUARY 1, 2011**

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

**WHEREAS**, The Erie County Water Authority adopted a Career and Salary Plan for its employees, which, among other things, provides a five-step wage and salary increment schedule; said increments shall be granted after due consideration of merit and quality of individual performance; and

**WHEREAS**, The compensation for each increment shall be as specified in the salary schedules for each specific salary grade; and

**WHEREAS**, Satisfactory evaluations have been presented to the Board for the employees listed on the attached sheet recommending increments;

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

That the awarding of salary increments to the employees listed on the attached sheet in their respective salary grades and to the steps listed on their increment anniversary, namely January 1, 2011 is hereby approved; and be it further

**RESOLVED:** That the Comptroller is hereby directed to pay said increments in accordance with the amendment to the Career and Salary Plan herein described.

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

Noes: None

**ITEM 18 - FIRST LONGEVITY INCREMENTS - JANUARY 1, 2011**

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

**WHEREAS**, By Item No. 2 of the Minutes of the Meeting of January 31, 1963, the Authority adopted the following amendment to its Career and Salary Plan to provide for a longevity increment:

When an employee holding a position allocated to a salary grade prescribed in the Erie County Water Authority's Career and Salary Plan, adopted by resolution of the Authority dated October 11, 1956, has reached, by or after January 1, 1964, a salary equal to or in excess of the maximum salary grade of the grade of his/her position, a position in the same salary grade for a period of five (5) years in the aggregate, he/she shall be entitled on the first day of the fiscal year following completion of such service, to receive an additional increment of the grade to which his/her position is allocated, provided, however, that the salary of such employee shall not be increased pursuant to this provision to an amount in excess of the maximum salary of the grade of his/her position plus one additional increment of such grade; and

**WHEREAS**, The employees listed on the attached sheet are entitled to a first longevity increment inasmuch as the date of their last regular increment was five years or more;

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

That the awarding of first longevity increments to the employees listed on the attached sheet in the grade to which their positions are allocated commencing January 1, 2011 in accordance with the aforementioned amendment to the Career and Salary Plan is hereby approved; and be it further

**RESOLVED:** That the Comptroller is hereby directed to pay said increments in accordance with the amendment to the Career and Salary Plan herein described.

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

Noes: None

**ITEM 19 - ADDITIONAL LONGEVITY INCREMENTS - JANUARY 1, 2011**

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

**WHEREAS**, By resolution identified as Item No. 27 of the Minutes of the Meeting of April 1, 1969, the Erie County Water Authority adopted the amendment to its Career and Salary Plan for hourly-rated employees in Sub Grade 1 through Grade 6, inclusive, to provide, among other things, a second longevity increment; and

**WHEREAS**, Said increment is as follows:

When an employee has received his/her first longevity increment in accordance with the provisions of Item No. 2 of the Minutes of the Meeting of January 31, 1963, and continues in the same position for an additional five (5) years without increments, he /she shall be entitled, on such first day of the fiscal year following completion of such service, to receive a second longevity increment of the grade to which his/her position is allocated, provided, however that the salary of such employee shall not be increased pursuant to this provision to an amount in excess of the maximum salary of the grade of his/her position plus two additional increments in such grade; and

**WHEREAS**, By resolution identified as Item No. 31 of the Minutes of the Meeting of February 10, 1970, the Authority amended its Career and Salary Plan for annual salaried employees in Grade 1 through 36 inclusive, to provide the aforementioned second longevity increment to these employees; and

**WHEREAS**, By resolution identified as Item No. 6 of the Minutes of the Meeting of April 1, 1971, the Authority authorized a third longevity increment to be provided after an employee continues in the same position for an additional five (5) years without increments; said increment shall not exceed the salary grade of the position to an amount in excess of the maximum salary of the grade plus three (3) additional increments of such grade; and

**WHEREAS**, By resolution identified as Item No. 27 of the Minutes of the Meeting of March 12, 1987, the Authority authorized a fourth longevity step for employees in the white-collar bargaining unit and employees not eligible for membership in a collective bargaining unit; said increment to be provided after an employee is in the same salary grade for an additional five (5) years without increments after receiving his/her third longevity increment; and

**WHEREAS**, By resolution identified as Item No. 38 of the Minutes of the Meeting of July 9, 1987, the Authority authorized the aforementioned fourth longevity step under the same conditions for employees in the Blue Collar Bargaining Unit; and

**WHEREAS**, By resolution identified as Item No. 22 of the Minutes of the Meeting of September 9, 1999, the Authority authorized a fifth longevity step and reduced the interval from five (5) years to four (4) years for employees in the White Collar Bargaining Unit; and

**WHEREAS**, That the employees listed on the attached sheet are entitled to additional longevity increments effective January 1, 2011 in accordance with the terms of the Authority's Career and Salary Plan;

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

That the awarding of additional longevity increments to the employees listed on the attached sheet in the grades to which their positions are allocated commencing January 1, 2011 in accordance with the aforementioned amendment to the Career and Salary Plan is hereby approved; and be it further

**RESOLVED:** That the Comptroller is hereby directed to pay said increments to the above employees.

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

Noes: None

**ITEM 20 - AUTHORIZATION TO AMEND THE AUTHORITY'S CAREER AND SALARY PLAN – BI-WEEKLY EMPLOYEES NOT ELEGIBLE FOR MEMBERSHIP IN A COLLECTIVE BARGAINING UNIT**

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

**WHEREAS**, Heretofore the position of Associate Attorney (Part-Time) has been compensated under Annual Salary Grade 29E of the Authority's Career and Salary Plan:

**NOW, THEREFORE BE IT RESOLVED:**

Effective January 1, 2011 the position of Associate Attorney (Part-Time) shall be compensated at a rate of \$100.00 per hour, not to exceed nineteen hours (19) per biweekly pay period and not to exceed the annual budgetary appropriation; and

**THEREFORE BE IT FURTHER RESOLVED:**

The Authority's Career and Salary Plan shall be amended accordingly.

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

Noes: None

**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 13-17 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 18 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. 2010-50 and 2010-51, 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, second by Mr. O'Donnell and carried that the meeting adjourn.

SLZ

Matthew J. Baudo  
Secretary to the Authority/Personnel Director

12/30/10