

**MINUTES OF THE REGULAR MEETING
OF THE
BUFFALO SEWER AUTHORITY**

July 26, 2017

BUFFALO SEWER AUTHORITY

July 26, 2017

REGULAR MEETING

9:00 A.M.

1038 CITY HALL

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CALL OF THE ROLL

Present:	<u>Herbert L. Bellamy, Jr.</u>	<u>Chairman</u>
	<u>John D. Kennedy, Sr.</u>	<u>Vice Chairman</u>
	<u>Christopher Roosevelt</u>	<u>Assistant Vice Chairman</u>
	<u>Oluwole A. McFoy, P.E.</u>	<u>General Manager</u>
	<u>Ronald Brown</u>	<u>Executive Secretary</u>
	<u>Thomas Smith</u>	<u>Secretary to the General Manager</u>
	<u>Gelea James</u>	<u>Director of Employee Relations</u>
	<u>Michael Letina</u>	<u>Treatment Plant Superintendent</u>
	<u>Roberta Gaiek, P.E.</u>	<u>Treatment Plant Administrator</u>
	<u>Catherine Knab, P.E.</u>	<u>Principal Sanitary Engineer</u>
	<u>Rosaleen Nogle, P.E.</u>	<u>Assistant Principal Engineer</u>
	<u>James Skrabacz</u>	<u>Principal Chief Stationary Engineer</u>
	<u>Laura Surdej</u>	<u>Erie County Dept. of Sewerage</u>
Absent:	<u>Eleanor Petrucci</u>	<u>Secretary</u>
	<u></u>	<u></u>

The meeting was called to order at 9:00 A.M. A quorum was present.

ITEM NO. 1

Motion to Adopt the Minutes of the Meeting of July 3, 2017

MOTION TO	<u>ADOPT</u>
MADE BY	<u>MR. KENNEDY</u>
2 ND BY	<u>MR. ROOSEVELT</u>
AYES	<u>3</u> NOES <u>0</u>

Board Meeting of July 26, 2017

ITEM NO. 2

INFORMATIVE: TEMPORARY INVESTMENTS (CERTIFICATES OF DEPOSIT AND TREASURY BILLS)
MARKET VALUE

As of June 30, 2017

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
CONSTRUCTION/CAPITAL IMPROVEMENT FUND						
31-Jul-12	Money Market		\$3,265,898.58	Key	0.15%	Municipal NOW
07-June-17	07-Jul-17	30	\$2,999,276.67	Key Banc Capital	1.14%	\$2,850.00
07-June-17	08-Aug-17	62	\$2,995,970.01	Key Banc Capital	1.15%	\$5,941.67
05-Jun-17	07-Sep-17	94	\$2,000,119.51	Key Banc Capital	1.11%	\$5,811.16
19-Jan-17	16-Oct-17	270	\$9,565,548.30	M&T Securities	1.35%	\$97,230.37
15-Nov-16	13-Nov-17	363	\$ 13,929,287.00	JP Morgan Securities	1.62%	\$228,060.00
07-June-17	08-Dec-17	184	\$9,936,941.60	Key Banc Capital	1.42%	\$72,577.78
05-June-17	05-Jan-18	214	\$9,926,710.00	JP Morgan Securities	1.34%	\$79,655.56
			\$54,619,751.67			
LIABILITY AND CASUALTY RESERVE FUND						
31-July-12	Money Market		\$1,097,489.45	Key	0.15%	Municipal NOW
OPERATING FUND						
31-Jul-12	Super NOW		\$5,139,193.80	Key	0.15%	Municipal NOW
TRUST & AGENCY FUND						
31-Jul-12	Money Market		\$ 30,315.96	Key	0.02%	Municipal NOW
SURPLUS FUND (185181898)						
			\$82,199.51	Wilmington Fund		
30-Jun-17	02-Jan-18	186	\$10,000,000.00	Key Banc Capital	1.60%	\$ 82,666.67
			\$10,082,199.51			
NET REVENUE FUND (185316114)						
			\$164.61	Wilmington Fund		
30-May-17	31-Jul-17	62	\$2,219,156.57	Key Banc Capital	1.03%	\$ 3,939.81
20-Jun-17	18-Aug-17	59	\$3,095,629.00	JP Morgan Securities	1.25%	\$6,350.69
30-Jun-17	05-Sep-17	67	\$7,000,000.00	Key Banc Capital	1.40%	\$18,238.89
			\$12,314,950.18			
DEBT RESERVE FUND						
Series J (1004209)						
02-Jul-14	15-Nov-33	7076	\$ 515,879.00	UST State/Local Govt	2.70%	
Series K (1004925)						
02-Jul-14	15-Feb-33	6803	\$ 361,415.00	UST State/Local Govt	2.70%	
Series L (3001357)						
12-Nov-15	01-Oct-35	7263	\$ 689,547.00	UST State/Local Govt	2.44%	

27-Jun-14	01-May-44	10901	Series M (1039308) \$ 595,613.00	US State/Local Govt	2.70%
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15-Nov-12	15-Apr-32	7091	Series N (1002070) \$ 2,167,157.00	UST State/Local Govt	2.42%
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BSA – DSF PRIN & INT \$0.01	Wilmington Fund
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RECEIVE & FILE

Board Meeting of July 26, 2017

ITEM NO. 3

INFORMATIVE: REALLOCATION OF FUNDS

The following budgetary transfers have been made to cover unforeseen shortages. These transfers do not change the total amount of the Buffalo Sewer Authority's operating budget.

Wastewater Treatment Plant

6/2/2017	00520105 Main Office Equip	-\$53.00	00200107 Plant Office Equip	\$53.00
6/2/2017	00230103 GRIT Repairs to Equip	-\$5,200.00	00520105 Main Equip Maintenance	\$5,200.00
6/2/2017	00370105 CENT Equip Maintenance	-\$19,300.00	00380105 INCIN Equip Maintenance	\$19,300.00
6/2/2017	00370105 GRIT Repairs to Equip	-\$550.00	00380105 INCIN Equip Maintenance	\$550.00
6/8/2017	00290105 AER Building Materials	-\$7,200.00	00520105 Main Equip Maintenance	\$7,200.00
6/21/2017	00300103 Blow Electric Light & Power	-\$4,647.00	00200103 Plan Telephone	\$4,647.00
6/28/2017	00360105 DEWA Equip Maintenance	-\$1,230.00	00380106 INCIN Repairs to Equip	\$1,230.00
6/28/2017	00360105 DEWA Equip Maintenance	-\$215.00	00380105 INCIN Equip Maintenance	\$215.00
6/30/2017	00230105 GRIT Equip Maintenance	-\$204.79	00520105 Main Equip Maintenance	\$204.79

Sewer Maintenance

6/20/2017	00650103 SWRM Gas	-\$4,000.00	00690106 Auto Service and Equip Rental	\$4,000.00
6/20/2017	00650103 SWRM Electric Light & Power	-\$7,000.00	00690106 Auto Service and Equip Rental	\$7,000.00
6/20/2017	00650103 SWRM Electric Light & Power	-\$3,500.00	00670106 SWRC Repairs to Equip	\$3,500.00
6/20/2017	00650106 SWRM Other Contract Service	-\$1,900.00	00670106 SWRC Repairs to Equip	\$1,900.00
6/20/2017	00650106 SWRM Repairs to Equip	-\$500.00	00670106 SWRC Repairs to Equip	\$500.00
6/20/2017	00650106 SWRM Advertising	-\$1,000.00	00670106 SWRC Repairs to Equip	\$1,000.00
6/20/2017	00660106 SWRR Service & Equip Rental	-\$1,000.00	00670106 SWRC Repairs to Equip	\$1,000.00
6/20/2017	00690106 Auto Repairs	-\$14,000.00	00670106 SWRC Repairs to Equip	\$14,000.00
6/21/2017	00690105 Auto Gasoline and Lubricants	-\$10,000.00	00690106 Refuse Disposal Services	\$10,000.00
6/28/2017	00670106 SWRM Repairs to Equip	-\$2,900.00	00650106 SWRM Laundry and Towel	\$2,900.00

General Financial Charges

6/13/2017	00800183 Financial Contingency	-\$65,199.38	00690107 AUTO Cars and Other Vehicle	\$65,199.38
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Board Meeting of July 27, 2017

ITEM NO. 4

TRAVEL AUTHORIZATION - CHICAGO, ILLINOIS

WHEREAS: The Water Environment Federation's 90th Annual Technical Exhibition and Conference will be held September 30th through October 4, 2017, in Chicago, Illinois; and

WHEREAS: The Buffalo Sewer Authority staff annually participates in this international event to keep abreast of the latest technologies, innovations and research in the wastewater field; and

WHEREAS: The General Manager recommends attendance at the Water Environment Federation's 90th Annual Technical Exhibition and Conference for himself, Chairman of the Board, Treatment Plant Administrator and Shift Superintendent.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes travel from September 30th through October 4, 2017, for the General Manager, Chairman of the Board, Treatment Plant Administrator, and Shift Superintendent to attend the Water Environment Federation's 90th Annual Technical Exhibition and Conference in Chicago, Illinois, at a total cost not to exceed \$8,000.00. Funds are available in account nos. 00110104-458010, 00110104-458012, 00100104-458010, 00100104-458012, 00200104-458010 and 00200104-458012.

MOTION TO	<u>APPROVE</u>
MADE BY	<u>MR. ROOSEVELT</u>
2 ND BY	<u>MR. KENNEDY</u>
AYES	<u>3</u> NOES <u>0</u>

Board Meeting of July 26, 2017

ITEM NO. 5

CONTRACT APPROVAL - LEGAL SERVICES

WHEREAS: The Buffalo Sewer Authority has many complex regulatory, enforcement, and environmental matters that require the skills of a specialized attorney; and

WHEREAS: Charles C. Martorana, of Barclay Damon, LLP has extensive expertise in these areas; and

WHEREAS: Barclay Damon, LLP has historically represented the Buffalo Sewer Authority in these areas as well as litigation and arbitration matters as needed; and

WHEREAS: Upon request, Barclay Damon, LLP has submitted a proposed retainer agreement to continue to provide legal services for the Buffalo Sewer Authority. The billing rates are as follows:

Partners & Counsel	\$275.00 per hour
Associates	\$250.00 per hour
Paralegal Services	\$175.00 per hour

; and

WHEREAS: The General Manager, Executive Secretary and staff recommend approval to retain Barclay Damon, LLP, for legal services on an as-needed basis for the 2017-2018 fiscal year.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to retain Barclay Damon, LLP, for legal services on an as-needed basis in an amount not to exceed \$95,000.00 for the period July 1, 2017 through June 30, 2018. Expenses for these services will be charged to account no. 00550106-432003.

MOTION TO APPROVE

MADE BY MR. KENNEDY

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of July 26, 2017

ITEM NO. 6

CONTRACT NO. 81600011

CERTIFICATE OF ACCEPTANCE AND OCCUPANCY

PROJECT: Indoor Lighting Project at the Bird Island Wastewater Treatment Plant

BID: \$1,539,570.00

CONTRACTOR: CIR Electrical Construction
400 Ingham Avenue
Lackawanna, NY 14218

WHEREAS: The Treatment Plant Administrator of the Buffalo Sewer Authority has certified that the Contractor completed the work in accordance with the plans and specifications on June 30, 2017; and

WHEREAS: The Board of the Buffalo Sewer Authority approved Change Order No. 1 on May 25, 2016, in the amount of \$18,468.42 and Change Order No. 2 on February 15, 2017, in the amount of \$6,300.00, thereby bringing the final adjusted contract amount to \$1,564,338.42.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby finds and determines that:

- a. The work to be performed under the terms of the Contract has been complete and is accepted;
- b. The date of entrance and occupancy be fixed as of June 30, 2017;
- c. The maintenance period commence on June 30, 2017;
- d. Final payment be made to the Contractor in the amount of \$78,216.92, making the final cost of the contract \$1,564,338.42.

MOTION TO APPROVE

MADE BY MR. KENNEDY

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of July, 26 2017

ITEM NO. 7

CHANGE ORDER NO. 1 – CONTRACT NO. 81500023

CONTRACTOR:	ORIGINAL CONTRACT COST	\$3,414,500.00
Hohl Industrial, Inc.	PREVIOUS CHANGE ORDER	NA
770 Riverview Blvd.	THIS CHANGE ORDER (DEDUCT)	<u>(\$152,047.69)</u>
Tonawanda, New York 14150	ADJUSTED CONTRACT COST	\$3,262,452.31

PROJECT: Incinerator Ash System Upgrades

DESCRIPTION OF CHANGE OR EXTRA WORK:

Item #1 Deduction for unused allowance

REASON FOR CHANGE OR EXTRA WORK:

Item #1 Deduction for unused allowance

COST OF CHANGE OR EXTRA WORK:

Item #1 (\$152,047.69)

THE TOTAL COST OF THE CHANGE OR EXTRA WORK (\$152,047.69)

The total DECREASE to the contract as a result of this Change Order is \$152,047.69

CONTRACT SUPPLEMENT CONDITIONS:

1. The contract completion date established in the original contract or as modified by previous contract supplements is hereby changed by 0 calendar days, making the final completion date unchanged.
2. Any additional work to be performed under this contract supplement shall be carried out in compliance with the specifications included in the preceding description of changes involved with the supplemental contract drawings designated none and under the provisions of the original contract, including compliance with applicable equipment specifications, general specifications, and project specifications for the same type of work.
3. This contract supplement unless otherwise provided herein does not relieve the Contractor from strict compliance with the guarantee provisions of the original contract, particularly those pertaining to performance and operation of equipment.

4. The Contractor expressly agrees that he will place under coverage of his performance and payment bonds and Contractor's Insurance all work covered by this contract supplement. The Contractor will furnish to the Owner evidence of increased coverage of his performance and payment bonds for the accrued value of all contract supplements that exceeds the original contract price by twenty percent (20%).
5. The costs established under this contract supplement are acknowledged as including any and all costs associated with the work described herein and including any and all costs associated with any and all work performed or to be performed by the Contractor that may be affected in any manner by the work described herein.

NOW THEREFORE

BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves Change Order No. 1 to Contract No. 81500023 as written in the above Agenda Item, decreasing the contract cost in the amount of \$152,047.69, making the adjusted contract cost \$3,262,452.31.

MOTION TO	<u>APPROVE</u>	
MADE BY	<u>MR. KENNEDY</u>	
2 ND BY	<u>MR. ROOSEVELT</u>	
AYES	<u>3</u>	NOES <u>0</u>

Board Meeting of July 26, 2017

ITEM NO. 8

CONTRACT NO. 81500023

CERTIFICATE OF ACCEPTANCE AND OCCUPANCY

PROJECT: Incinerator Ash System Upgrades

BID: \$3,414,500.00

CONTRACTOR: Hohl Industrial, Inc.
770 Riverview Blvd.
Tonawanda, NY 14150

WHEREAS: The Treatment Plant Administrator of the Buffalo Sewer Authority has certified that the Contractor completed the work in accordance with the plans and specifications on June 30, 2017; and

WHEREAS: The Board of the Buffalo Sewer Authority approved Change Order No. 1 on July 26, 2017, in the amount of (\$152,047.69), thereby bringing the final adjusted contract amount to \$3,262,452.31.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby finds and determines that:

- a. The work to be performed under the terms of the Contract has been complete and is accepted;
- b. The date of entrance and occupancy be fixed as of June 30, 2017;
- c. The maintenance period commence on June 30, 2017;
- d. Final payment be made to the Contractor in the amount of \$163,122.65, making the final cost of the contract 3,262,452.31.

MOTION TO	<u>APPROVE</u>
MADE BY	<u>MR. ROOSEVELT</u>
2 ND BY	<u>MR. KENNEDY</u>
AYES	<u>3</u> NOES <u>0</u>

Board Meeting of July 26, 2017

ITEM NO. 9

AUTHORIZATION FOR CHANGE ORDER TO BLANKET ORDER NO. 21700152

WHEREAS: On April 2, 2014, the Board of the Buffalo Sewer Authority awarded a contract to Bison Laboratories for the purchase of sodium hypochlorite for the Bird Island Wastewater Treatment Plant at a cost of \$0.545/per gallon for a one year period, July 1, 2014 to June 30, 2015, with an option to renew for four (4) one-year periods, at an estimated cost not to exceed \$545,000.00; and

WHEREAS: On March 2, 2016, the Board authorized the extension of this contract for the period July 1, 2016 to June 30, 2017; and

WHEREAS: Due to disinfection at the Treatment Plant an increase was required in accordance to the permit; and

WHEREAS: It is now necessary to increase Blanket Order No. 21700152 in the amount of \$90,485.43 from \$545,000.00; to \$635,485.43 until June 30, 2017; and

WHEREAS: The Treatment Plant Superintendent, Industrial Waste Administrator, Laboratory Director and staff recommend this increase at a total cost not to exceed \$635,485.43.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to approve a change order in the amount of \$90,485.43, increasing Blanket Order No. 21700152 with Bison Laboratories from \$545,000.00 to \$635,485.43 until June 30, 2017. Funds for this change order will be charged to account no. 00330105-467044.

MOTION TO	<u>APPROVE</u>	
MADE BY	<u>MR. KENNEDY</u>	
2 ND BY	<u>MR. ROOSEVELT</u>	
AYES	<u>3</u>	NOES <u>0</u>

Board Meeting of July 26, 2017

ITEM NO. 10

AUTHORIZATION FOR CHANGE ORDER TO BLANKET ORDER NO. 21700155

WHEREAS: On April 3, 2013, the Board of the Buffalo Sewer Authority awarded a contract to IsleChem, LLC, for analytical services for the period July 1, 2013 to June 30, 2014, with an option to renew for four (4) one-year periods, at an estimated cost not to exceed \$44,009.25; and

WHEREAS: On August 1, 2015, Alpha Analytical, Inc., entered into a contract agreement to purchase IsleChem, LLC; and

WHEREAS: On March 2, 2016, the Board authorized the extension of this contract for the period July 1, 2016 to June 30, 2017; and

WHEREAS: Due to an increase in food industry testing and also wet toxicity testing additional funds are necessary; and

WHEREAS: It is now necessary to increase Blanket Order No. 21700155 in the amount of \$12,773.00 from \$44,009.25 to \$56,782.25, until June 30, 2017; and

WHEREAS: The Treatment Plant Superintendent, Industrial Waste Administrator, Laboratory Director and staff recommend this increase at a total cost not to exceed \$56,782.25.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to approve a change order in the amount of \$12,773.00, increasing Blanket Order No. 21700155 with Alpha Analytical, Inc., from \$44,009.25 to \$56,782.25 until June 30, 2017. Funds for this change order will be charged to account no. 00550106-432004.

MOTION TO	<u>APPROVE</u>	
MADE BY	<u>MR. ROOSEVELT</u>	
2 ND BY	<u>MR. KENNEDY</u>	
AYES	<u>3</u>	NOES <u>0</u>

Board Meeting of July 26, 2017

ITEM NO. 11

AUTHORIZATION FOR CHANGE ORDER TO BLANKET ORDER NO. 21700164

- WHEREAS: On July 1, 2015, the Board of the Buffalo Sewer Authority awarded a contract to Modern Disposal Services, Inc., for the removal and disposal of incinerator ash at the Bird Island Wastewater Treatment Plant for a one-year period, July 1, 2015 to June 30, 2016, with an option to renew for four (4) one-year periods, at an estimated \$50.93/ton annual quantities cost not to exceed \$356,510.00; and
- WHEREAS: Modern Disposal Services, Inc., has agreed to extend this contract for one (1) additional year under the same terms and conditions for fiscal year 2016-2017; and
- WHEREAS: Due to an unpredictable increase of disposal of ash at the Treatment Plant, additional funds are needed; and
- WHEREAS: It is now necessary to increase Blanket Order No. 21700164 in the amount of \$20,000.00 from \$356,510.00 to \$376,510.00 until June 30, 2017; and
- WHEREAS: The Treatment Plant Superintendent, Treatment Plant Administrator, Principal Chief Stationary Engineer and staff recommend this increase at a total cost not to exceed \$376,510.00.
- NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to approve a change order in the amount of \$20,000.00, increasing Blanket Order No. 21700164 with Modern Disposal from \$356,510.00 to \$376,510.00, until June 30, 2017. Funds for this change order will be charged to account no. 00380106-442100.

MOTION TO	_____	APPROVE	_____
MADE BY	_____	MR. KENNEDY	_____
2 ND BY	_____	MR. ROOSEVELT	_____
AYES	_____	3	NOES _____ 0

Board Meeting of July 26, 2017

ITEM NO. 12

AMENDMENT TO REPORT ON BIDS RECEIVED FOR THE PURCHASE OF POLYMER DEWATERING AID

WHEREAS: At the May 10, 2017 Meeting of the Buffalo Sewer Authority, the Board approved a contract with Polydyne, Inc., for the purchase of polymer dewatering aid at the Bird Island Wastewater Treatment Plant at a cost not to exceed \$1,869,219.92. Expenses for this contract were approved to be charged to account nos. 00340105-467044 and 00360105-467044; and

WHEREAS: The correct information should include account no. **00360107-474080**.

NOW THEREFORE
BE IT RESOLVED: That the Board Resolution No. 17 of the May 10, 2017 Board Meeting is amended to read as follows:

“That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to enter into and execute a contract with Polydyne, Inc., for the purchase of Polymer Dewatering Aid at the Bird Island Wastewater Treatment Plant, for a two year period, July 1, 2017 to June 30, 2019, at a cost not to exceed \$1,869,219.92. Expenses for this contract will be charged to account nos. 00340105-467044, 00360105-467044 and 00360107-474080”.

MOTION TO	<u>APPROVE</u>		
MADE BY	<u>MR. KENNEDY</u>		
2 ND BY	<u>MR. ROOSEVELT</u>		
AYES	<u>3</u>	NOES	<u>0</u>

Board Meeting of July 26, 2017