

**MINUTES OF THE REGULAR MEETING
OF THE
BUFFALO SEWER AUTHORITY
January 9, 2019**

BUFFALO SEWER AUTHORITY

January 9, 2019

REGULAR MEETING

9:00 A.M.

1038 CITY HALL

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ATTACHMENT A: Report on Fiscal Year 2018-19 Rates and Charges for Sewer Services

ATTACHMENT B: The Comprehensive Annual Financial Report

ATTACHMENT C: The Annual Investment Report

CALL OF THE ROLL

Present:	<u>Herbert L. Bellamy, Jr.</u>	<u>Chairman</u>
	<u>Christopher Roosevelt</u>	<u>Assistant Vice Chairman</u>
	<u>Eleanor Petrucci</u>	<u>Secretary to the General Manager</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>LaToya Cunningham</u>	<u>Special Assistant</u>
	<u>Allison Lack</u>	<u>General Counsel</u>
	<u>Tracy King</u>	<u>Public Information Officer</u>
	<u>Catherine Knab, P.E.</u>	<u>Principal Sanitary Engineer</u>
	<u>Frank Rafferty</u>	<u>Treatment Plant Superintendent</u>
	<u>Roberta Gaiek, P.E.</u>	<u>Treatment Plant Administrator</u>
	<u>Paul Harris</u>	<u>Supt. of Mechanical Maintenance</u>
	<u>Laura Surdej</u>	<u>Erie County Dept. of Sewerage</u>
	<u>Van Mollenberg</u>	<u>Mollenberg-Betz, Inc.</u>
Absent:	<u>John D. Kennedy, Sr.</u>	<u>Vice Chairman</u>

The meeting was called to order at 9:25 A.M. A quorum was present.

ITEM NO. 1

Motion to Adopt the Minutes of the Meeting of December 5, 2018

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

Board Meeting of January 9, 2019

ITEM NO. 2

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

As of November 30, 2018

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
CONSTRUCTION/CAPITAL IMPROVEMENT FUND						
31-Jul-12	Money Market		\$743,985.02	Key	0.15%	Public NOW
15-May-18	12-Dec-18	211	\$1,498,860.00	Key Banc Capital	2.40%	\$21,100.00
04-May-18	22-Jan-19	263	\$7,970,084.48	Key Banc Capital	2.66%	\$155,462.22
04-May-18	28-Jan-19	269	\$5,975,023.44	Key Banc Capital	2.50%	\$112,083.33
09-July-18	31-Jan-19	206	\$5,947,413.36	Key Banc Capital	2.72%	\$117,866.67
23-Aug-18	20-Feb-19	181	\$2,241,337.25	Key Banc Capital	2.61%	\$29,591.24
08-Aug-18	05-Mar-19	209	\$2,403,326.86	JP Morgan Securities	2.47%	\$34,845.52
15-May-18	26-Mar-19	315	\$6,969,378.92	Key Banc Capital	2.70%	\$137,025.00
08-Aug-18	24-Apr-19	259	\$5,933,058.42	Key Banc Capital	2.70%	\$116,550.00
15-Oct-18	02-Jul-19	260	\$5,108,503.14	Key Banc Capital	2.90%	\$108,911.11
			<u>\$44,790,970.89</u>			
LIABILITY AND CASUALTY RESERVE FUND						
			\$102,438.10	Key	0.15%	Public NOW
09-Nov-18	10-Dec-18	31	\$901,428.75	Key Banc Capital	2.23%	\$1,732.09
			<u>\$1,003,866.85</u>			
OPERATING FUND						
31-Jul-12	Super NOW		\$5,363,427.26	Key	0.15%	Public NOW
TRUST & AGENCY FUND						
31-Jul-12	Money Market		\$5,242.46	Key	0.02%	Public Savings
SURPLUS FUND						
			\$196,187.24	Wilmington Fund	1.62%	
02-Jul-18	29-Mar-19	270	\$9,806,500.00	JP Morgan Securities	2.58%	\$193,500.00
			<u>\$10,002,687.24</u>			
NET REVENUE FUND						
				Wilmington Fund		
26-Nov-18	27-Dec-18	31	\$1,596,541.78	Key Bank Capital	2.51%	\$3,458.22
31-Oct-18	29-Jan-19	90	\$5,067,997.50	Key Bank Capital	2.51%	\$32,002.50
11-Jul-18	29-Mar-19	260	\$9,195,735.11	Key Bank Capital	2.72%	\$184,264.89
03-Oct-18	01-Apr-19	180	\$7,399,875.00	Key Banc Capital	2.67%	\$100,681.25
			<u>\$23,260,149.39</u>			

DEBT RESERVE FUND

SERIES J				
02-Jul-14	15-Nov-33	7076	\$515,879.00	UST State/Local Govt 2.70%
Series K				
02-Jul-14	15-Feb-33	6803	\$361,415.00	UST State/Local Govt 2.70%
Series L				
12-Nov-15	01-Oct-35	7263	\$689,547.00	UST State/Local Govt 2.44%
Series M				
27-Jun-14	01-May-44	10901	\$595,613.00	US State/Local Govt 2.70%
Series N				
15-Nov-12	15-Apr-32	7091	\$2,167,157.00	UST State/Local Govt 2.42%

RECEIVE & FILE

Board Meeting of January 9, 2019

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.

Sewer Maintenance Division

11/27/2018	00690107 Auto Cars and Other Vehicles	-\$65,000.00	00650106 Eng. Advertisement	\$65,000.00
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Wastewater Treatment Plant

12/3/2018	00370105 Centrifuge Equipment Maintenance	-\$2,329.00	00400106 South Repairs to Equipment	\$2,329.00
12/3/2018	00370105 Centrifuge Equipment Maintenance	-\$2,506.00	00110104 Board Registration & Dues	\$2,506.00
12/4/2018	00200106 Plan Building Repairs	-\$7,850.00	00520106 Main Maintenance Contract	\$7,850.00
12/14/2018	00530106 Yard Repairs to Equipment	-\$1,000.00	00530105 Yard Equipment Maintenance	\$1,000.00
12/17/2018	00200106 Plant Engineering and Tech	-15,000.00	00650106 SWRM Laundry and Towel	15,000.00

General Financial Charges

12/7/2018	00800183 Fin Contingency	-\$2,329.00	00100104 Board Travel Expenses	\$2,329.00
12/10/2018	008001083 Fin Contingency	-\$2,800.00	00110104 Admin Travel Expenses	\$2,800.00
12/4/2018	00200106 Plan Building Repairs	-\$7,850.00	00520106 Main Maintenance Contract	\$7,850.00

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Board Meeting of January 9, 2019

ITEM NO. 4

INFORMATIVE: REPORT ON FISCAL YEAR 2018-2019 RATES AND CHARGES FOR SEWER SERVICES

Periodically a report on the rates and charges for sewer service is prepared for the Buffalo Sewer Authority. This report presents findings regarding the revenue requirements of the sewer system and the adequacy of the budgeted sewer rates and charges.

The Report on Fiscal Year 2018-2019 Rates and Charges for Sewer Services (Attachment A) has been made available to your Honorable Body.

This report has been reviewed by the Audit Committee for the Buffalo Sewer Authority Board and is presented to the Board for their information to be acknowledged and received and filed.

RECEIVE & FILE

Board Meeting of January 9, 2019

ITEM NO. 5

APPROVAL OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT AND THE ANNUAL INVESTMENT REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2018

WHEREAS: New York State Public Authorities Law requires the Comprehensive Annual Financial Report and the Annual Investment Report of the Buffalo Sewer Authority to be approved by the Board; and

WHEREAS: The Comprehensive Annual Financial Report (Attachment B) and the Annual Investment Report (Attachment C) of the Buffalo Sewer Authority have been made available to your Honorable Body.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves and adopts the Comprehensive Annual Financial Report and the Annual Investment Report for the fiscal year ended June 30, 2018.

MOTION TO APPROVE

MADE BY MS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of January 9, 2019

ITEM NO. 6

AMENDMENT TO BOARD RESOLUTION NO. 7 OF THE DECEMBER 5, 2018, BOARD MEETING - TRAVEL AUTHORIZATION - NEW YORK, NY

WHEREAS: On December 5, 2018, the Board of the Buffalo Sewer Authority authorized the Chairman of the Board, General Manager, Treatment Plant Superintendent, Treatment Plant Administrator, Assistant Principal Engineer, Senior Instrument Technician, Shift Superintendents, and Wastewater Operator II to travel to New York City from February 2-6, 2019, to attend the 91st Annual Meeting of the New York Water Environment Association, Inc., at a total cost not to exceed \$24,000.00; and

WHEREAS: The General Manager recommends that the Public Information Officer also attend the Annual Meeting of the New York Water Environment Association, Inc., and that the total cost be increased by \$1,000.00.

NOW THEREFORE
BE IT RESOLVED:

That Resolution No. 7 of the Board Meeting of December 18, 2018, hereby be amended to read as follows:

“That the Board of the Buffalo Sewer Authority hereby authorizes the Chairman of the Board, General Manager, Treatment Plant Superintendent, Treatment Plant Administrator, Assistant Principal Engineer, Senior Instrument Technician, **Public Information Officer**, Shift Superintendents, and Wastewater Operator II to travel to New York City from February 2-6, 2019, to attend the 91st Annual Meeting of the New York Water Environment Association, Inc., at a total cost not to exceed **\$25,000.00**. Account nos. 00110104-458010, 00110104-458012, 00100104-458010, 00100104-458012, 00200104-458010, 00200104-458012, 00600104-458010, 00650104-458010 and 00650104-458012 will be utilized for this travel.

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

Board Meeting of January 9, 2019

ITEM NO. 7

TRAVEL AUTHORIZATION - ALBUQUERQUE, NEW MEXICO

WHEREAS: The Buffalo Sewer Authority is continuing strategic efforts, focused on effective utility management approach endorsed by the US Environmental Protection Agency, Water Environment Federation (WEF), American Water Works Association (AWWA) and National Association of Clean Water Agencies (NACWA); and

WHEREAS: The NACWA Winter Conference and Board Meeting will be held in Albuquerque, New Mexico from February 5, 2019 – February 8, 2019, covering latest approaches, practices, peer-to-peer developments, case studies and research in various areas of utility leadership; and

WHEREAS: The General Manager serves on the NACWA Board representing Environmental Protection Agency Region 2 and is leading the efforts in exploration of best industry performance practices; and

WHEREAS: The General Manager recommends attendance at the NACWA Winter Conference and Board Meeting.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to travel to Albuquerque, New Mexico from February 6-9, 2019, to attend the NACWA Winter Conference and Board Meeting at a total cost not to exceed \$2,000.00. Account nos. 00110104-458010 and 00110104-458012 will be utilized for this travel.

MOTION TO APPROVE

MADE BY MS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of January 9, 2019

ITEM NO. 8

PAYMENT FROM JUDGMENT AND CLAIMS

WHEREAS: Board approval is required for charges made against the Buffalo Sewer Authority's current budget for services and/or materials received during a prior fiscal year; and

WHEREAS: The following commodities and/or services were received during a prior fiscal year and will be charged to the 2018-2019 budget account no. 00800108-480214:

VENDOR	AMOUNT
Schrier Martin Process Equipment	\$ 125.00
Robert Hart	\$ 350.00

; and

WHEREAS: The Executive Secretary recommends the above payments from the Judgment and Claims account.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves the above payments from the Judgment and Claims account no. 00800108-480214.

MOTION TO APPROVE

MADE BY MS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of January 9, 2019

ITEM NO. 9

CHANGE ORDER NO. 2 – CONTRACT NO. 81700010

CONTRACTOR:	ORIGINAL CONTRACT COST	\$ 253,152.53
Mollenberg-Betz, Inc.	PREVIOUS CHANGE ORDER	\$ 200,000.00
300 Scott Street	THIS CHANGE ORDER	<u>\$ 478,240.49</u>
Buffalo, New York 14204	ADJUSTED CONTRACT COST	\$ 931,393.02

PROJECT: In-Plant Steam Services

DESCRIPTION OF CHANGE OR EXTRA WORK:

Item #1 Additional steam work and repairs required during the term of the contract

REASON FOR CHANGE OR EXTRA WORK:

Item #1 Plant repair work was needed to satisfy treatment plant operability, availability and safety concerns.

COST OF CHANGE OR EXTRA WORK:

Item #1 \$478,240.49

THE TOTAL COST OF THE CHANGE OR EXTRA WORK \$478,240.49

The total INCREASE to the contract as a result of this Change Order is \$478,240.49

CONTRACT SUPPLEMENT CONDITIONS:

1. The contract completion date established in the original contract or as modified by previous contract supplements remains 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. 2 to Contract No. 81700010 as written in the above Agenda Item, increasing the contract cost in the amount of \$478,240.49, making the adjusted contract cost \$931,393.02.

MOTION TO	APPROVE
MADE BY	MS. PETRUCCI
2 ND BY	MR. ROOSEVELT
AYES	3 NOES 0

Board Meeting of January 9, 2019

ITEM NO. 10

CHANGE ORDER NO. 3 – CONTRACT NO. 81700011

CONTRACTOR:	ORIGINAL CONTRACT COST	\$ 926,082.67
Mollenberg-Betz, Inc.	PREVIOUS CHANGE ORDERS	\$1,337,494.70
300 Scott Street	THIS CHANGE ORDER	\$ 56,579.55
Buffalo, New York 14204	ADJUSTED CONTRACT COST	\$2,320,156.92

PROJECT: In-Plant Mechanical Services

DESCRIPTION OF CHANGE OR EXTRA WORK:

Item #1 Additional mechanical work and repairs required during the term of the contract

REASON FOR CHANGE OR EXTRA WORK:

Item #1 Further plant repair work was needed to satisfy treatment plant operability, availability and safety concerns.

COST OF CHANGE OR EXTRA WORK:

Item #1 \$56,579.55

THE TOTAL COST OF THE CHANGE OR EXTRA WORK \$56,579.55

The total INCREASE to the contract as a result of this Change Order is \$56,579.55

CONTRACT SUPPLEMENT CONDITIONS:

1. The contract completion date established in the original contract or as modified by previous contract remains 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. 3 to Contract No. 81700011 as written in the above Agenda Item, increasing the contract cost in the amount of \$56,579.55, making the adjusted contract cost \$2,320,156.92.

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

Board Meeting of January 9, 2019

ITEM NO. 11

CHANGE ORDER NO. 4 – CONTRACT NO. 81700012

CONTRACTOR:	ORIGINAL CONTRACT COST	\$ 717,024.26
O'Connell Electric	PREVIOUS CHANGE ORDER	\$ 971,537.26
830 Phillips Road	THIS CHANGE ORDER	<u>\$ 510,785.16</u>
Victor, New York 14564	ADJUSTED CONTRACT COST	\$2,199,346.68

PROJECT: In-Plant Electrical Maintenance Services

DESCRIPTION OF CHANGE OR EXTRA WORK:

Item #1 Additional electrical modification upgrades, preventative maintenance and repairs to existing equipment

REASON FOR CHANGE OR EXTRA WORK:

Item #1 Further plant repair work was needed to satisfy treatment plant operability, availability and safety concerns.

COST OF CHANGE OR EXTRA WORK:

Item #1 \$510,785.16

THE TOTAL COST OF THE CHANGE OR EXTRA WORK \$510,785.16

The total INCREASE to the contract as a result of this Change Order is \$510,785.16

CONTRACT SUPPLEMENT CONDITIONS:

1. The contract completion date established in the original contract or as modified by previous contract supplements remains 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. 4 to Contract No. 81700012 as written in the above Agenda Item, increasing the contract cost in the amount of \$510,785.16, making the adjusted contract cost \$2,199,346.68.

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

Board Meeting of January 9, 2019

ITEM NO. 12

REPORT ON BIDS RECEIVED - NATURAL GAS SUPPLY

WHEREAS: Bids were solicited by United Energy, the Buffalo Sewer Authority's third party energy consultant, for natural gas supply to the Bird Island Treatment Facility and outlying stations for various terms beginning on January 1, 2019. The following bids were received and opened at the Treatment Plant facility on December 11, 2018:

Bidder	Location	6-Month Basis Contract Cost *	One-Year Basis Contract Cost *	Two-Year Basis Contract Cost *
Energy Mark, LLC	Treatment Plant	\$0.050/Dth	(\$0.030)/Dth	(\$0.090)/Dth
	Outlying Stations	\$0.450/Dth	\$0.370/Dth	\$0.310/Dth
New Wave Energy	Treatment Plant	\$0.2342/Dth	\$0.05441/Dth	(\$0.0241)Dth
	Outlying Stations	\$0.3999/Dth	\$0.5621/Dth	\$0.4994/Dth

* plus the monthly closing price on the NYMEX
; and

WHEREAS: Upon review of the bids received United Energy recommends that the Buffalo Sewer Authority enter into an agreement with Energy Mark, LLC, for a one-year period, January 1, 2019 through December 31, 2019; and

WHEREAS: The General Manager, Treatment Plant Superintendent, and Treatment Plant Administrator concur with United Energy and recommend awarding a one-year contract to Energy Mark, LLC, for natural gas supply for the Treatment Facility and outlying stations.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to enter into a contract with Energy Mark, LLC, for natural gas supply for the Bird Island Wastewater Treatment Plant and outlying stations for a one-year period, January 1, 2019 through December 31, 2019, at a cost of (\$0.030)/Dth for the Treatment Plant and a cost of \$0.370/Dth for the outlying stations, plus the monthly closing price on the New York Mercantile Exchange (NYMEX). The purchase of this commodity will be charged to various Treatment Plant accounts.

MOTION TO APPROVE
MADE BY MR. ROOSEVELT
2ND BY MS. PETRUCCI
AYES 3 NOES 0

Board Meeting of January 9, 2019